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THE
Statutes at Large,

FROM THE

Second to the Eighth Year of Queen ANNE.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

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St. Dunstons, 1764

THE
Statutes at Large,

FROM THE

Second to the Eighth Year of Queen ANNE.

To which is prefixed,

**A TABLE containing the TITLES of all the STATUTES
during that Period.**

VOL. XI.

By **DANBY PICKERING**, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

CAMBRIDGE,

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CUM PRIVILEGIO.

161

OFFICE OF THE
SECRETARY OF THE ARMY
WASHINGTON, D. C.

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SECRET

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TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print,
from the Second to the Eighth Year of Queen ANNE.

Anno 2 & 3 Anna.

- Cap. 1. **F**OR granting an aid to her Majesty by a land tax, to be raised in the year one thousand seven hundred and four.
- Cap. 2. For granting an aid to her Majesty, by continuing the duties upon malt, munn, cyder, and perry, for one year.
- Cap. 3. For granting an aid to her Majesty, for carrying on the war, and other her Majesty's occasions, by selling annuities at several rates, and for such respective terms or estates as are therein mentioned.
- Cap. 4. For the publick registering of all deeds, conveyances, and wills, that shall be made of any honours, manors, lands, tenements, or hereditaments, within the west riding of the county of *York*, after the nine and twentieth day of *September*, one thousand seven hundred and four.
- Cap. 5. To repeal a *Proviso* in an act of the fourth year of the reign of King *William* and Queen *Mary*, which prevents the citizens of the city of *York* from disposing of their personal estates by their wills, as others inhabiting within the province of *York* by that act may do.
- Cap. 6. For the increase of seamen, and better encouragement of navigation, and security of the coal trade.
- Cap. 7. For enlarging the term of years granted by an act passed in the session of parliament, held in the eleventh and twelfth years of King *William* III. for the repair of *Dover* harbour.
- Cap. 8. For the erecting a workhouse in the city of *Worcester*, and for setting the poor on work there.
- Cap. 9. For granting to her Majesty an additional subsidy of tunnage and poundage for three years; and for laying a further duty upon *French* wines condemned as lawful prize; and for ascertaining the values of unrated goods imported from the *East Indies*.
- Cap. 10. To enlarge the time for the purchasers of the forfeited estates in *Ireland*, to make the payments of their purchase money.
- Cap. 11. For the making more effectual her Majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her Majesty to grant in perpetuity the revenues of the first fruits and tenths; and also for enabling any other persons to make grants for the same purpose.
- Cap. 12. For the raising the militia for the year one thousand seven hundred and four, notwithstanding the month's pay formerly advanced be not repaid.
- Cap. 13. For prolonging the time by an act of parliament made in the first year of her Majesty's reign, for importing thrown silk of the growth of *Sicily* from *Legborn*.
- Cap. 14. For the better securing and regulating the duties upon salt.
- Cap. 15. For the better and more regular paying and assigning the annuities, after the rate of three pounds *per cent. per annum*, payable to several bankers, and other patentees,

A TABLE of the STATUTES.

tentees, or those claiming under them.

Cap. 16. For the discharging out of prison such insolvent debtors as shall serve, or procure a person to serve, in her Majesty's fleet or army.

Cap. 17. For the better charging several accountants with interest moneys by them received, and to be received.

Cap. 18. For the further explanation and regulation of privilege of parliament in relation to persons in publick offices.

Cap. 19. For raising recruits for the land forces, and marines, and for dispensing with part of the act for the encouragement and increase of shipping and navigation, during the present war.

Cap. 20. For punishing mutiny, desertion, and false musters, and for better paying of the army and quarters, and for satisfying divers arrears, and for a further continuance of the powers of the five commissioners for examining and determining the accounts of the army.

Private Acts.

Anno 2 & 3 Annæ.

1. An act for naturalizing *Elizabeth Cholmondeley*, wife of *George Cholmondeley*, esq;
2. An act to enable the guardian of the earl of *Warwick and Holland*, during his minority, to make leases of several messuages in or near *West Smithfield*.
3. An act for settling and confirming several exchanges with *Ralph earl Montague*, of several lands and common of *Simon Motton*, and others, lying in *Geddington*, in the county of *Northampton*, for several lands of the said earl's, lying near to the same, and for confirming several agreements relating to the said exchanges.
4. An act for confirming the execution of a certain agreement made

between *Ralph lord Grey*, baron of *Werke*, and *Charles lord Ossulstone* and the lady *Mary* his wife, touching certain manors, lands, and tenements, in the counties of *Northumberland*, *Middlesex*, and city of *London*, and also between *Laurence earl of Rochester*, and the said lord *Grey*, concerning other manors, lands, and tenements, in the said county of *Northumberland*, county palatine of *Durham*, and town of *Berwick upon Tweed*.

5. An act for vesting several estates in the counties of *Cornwall*, and *Devon*, and several leasehold estates, in trustees, to be sold for raising portions for the younger children of *George lord Carteret*, deceased, and for laying out the overplus of the money raised by such sales, in purchase of other lands.
6. An act for sale of the estate of *Henry lord viscount Dillon* in the kingdom of *Ireland*, for payment of his debts, and for settling an equivalent in other part of his estate on the viscountess his wife, for her jointure.
7. An act to enable *Sir George Wheeler*, knight, and doctor in divinity, to make leases of some houses and ground in *Cbanon Row* in *Westminster*.
8. An act to enable *Sir John Astley*, baronet, to make a jointure upon his marriage, during his minority, and to enable him to buy in any rent-charge, or other incumbrance upon his estate.
9. An act for confirming and better execution of articles, and the agreements therein contained, for the disposition and division of the estate of the late lord *Jermyn*, among his coheirs.
10. An act for supplying the defect of the execution of a power in *Sir John Ivory*, knight, deceased, for making provision for his younger children.

A TABLE of the STATUTES.

11. An act to enable Sir *Thomas Tipping*, baronet, to sell the manor of *Ichford* in the county of *Bucks*, for payment of a debt charged thereon, and laying out the surplus money in purchase of other lands, to be settled to the same uses.
12. An act to discharge the governor and company for making hollow sword-blades in *England*, of the sum of eighteen thousand eight hundred sixty four pounds, seven shillings, and one halfpenny, by mistake overcharged in the purchase-money, for several forfeited and other estates and interests in *Ireland*, purchased by them.
13. An act for vesting several estates of Sir *Charles Bickerstaffe*, knight, in trustees, to be sold for payment of debts, and making provision for his wife and daughter.
14. An act for sale of certain lands in *Charwelton*, in the county of *Northampton*, of *William Adams*, clerk, for payment of debts, and of portions to his younger brothers and sisters, and settling other lands of greater value upon his wife and children in lieu thereof.
15. An act for vesting the estate of *Thomas Leigh*, late of *Ridge* in the county of *Chester*, esq; deceased, in trustees, for the payment of his debts, perfecting his purchases, and better effecting the purposes in his will.
16. An act for the making void certain uses, estates, and trusts, limited in the marriage settlement of *Henry Audley*, esq; of certain manors and lands contained in that settlement, and settling other manors and lands of better value, to and for the same uses, estates, and trusts.
17. An act to enable *Robert Catwodon*, esq; to settle part of his estate (which he has improved) for raising portions for his younger children.
18. An act for vesting lands in *Essex*, devised by Sir *Robert Kemp*, knight, deceased, to the children, and grand children of *Elizabeth Outlaw*, one of his sisters and co-heirs, in trustees, to be sold for the benefit of the devisees.
19. An act for the vesting of nine messuages in the parish of *St. Giles in the Fields*, in the county of *Middlesex*, being the estate of *William Farmin* and *Mary* his wife, in trustees, to be sold, and for settling in lieu thereof a messuage, and certain lands in *Whipsnade*, *Tottrenhoe*, and *Studham*, in the county of *Bedford*.
20. An act to enable *John Jenkins*, esq; to sell lands in the counties of *Durham* and *Northumberland*, for payment of debts charged thereupon.
21. An act for vesting in trustees part of the estate of *Thomas Harlackenden Bowes*, esq; for payment of the debts and legacies wherewith the said estate is charged, and for preserving the residue clear of charges for the benefit of *Thomas Bowes*, esq; an infant.
22. An act to enable *Arabella Foot* to lay out monies belonging to her son *Topham Foot*, in purchases of lands for his benefit.
23. An act to enable the lord high treasurer of *England*, or commissioners of the treasury for the time being, to compound with *John Ferrer*, esq; for a debt due from him as surety for *John Mason*, gent. late receiver general for the county of *Cambridge* and isle of *Ely*.
24. An act for the vesting the manor of *Michael Church*, in the county of *Radnor*, and other lands in the county of *Salop*, of *Mary Bowdler*, and *William Bowdler*, gent. in certain trustees, for payment of the debts, and making provision for the younger children of the said *William Bowdler*.
25. An act for settling the manor of *Creech* in the county of *Somerset*, in trustees,

A TABLE of the STATUTES.

- trustees, to enable them to renew leases for the maintenance of the younger sons of *William Keyt*, esq; deceased, during their minority.
26. An act for sale of some part of the estate of *John Holden*, gent. and *Robert Holden*, his son, for payment of their debts, and for disposing of younger children apprentices.
27. An act for naturalizing *Isaac Kops*.
28. An act for naturalizing *Rene Rance*, *Matthew Decker*, and others.
29. An act for naturalizing *Henry Boisfrond de St. Leger*, *Peter la Grange*, *Lewis Wadden*, and others.
30. An act to vest the manor of *Hanstop*, and *Castletrop*, and all other the lands and hereditaments of Sir *Peter Tyrrel* baronet, and *Thomas Tyrrel*, esq; his son, in the county of *Bucks*, in trustees, to sell part thereof for payment of debts, and to settle other lands and hereditaments there, being of an equal value, in lieu of lands to be sold.
31. An act to enable Sir *John Cowper* knight, and *Anthony Henley* esq; to make a partition, and grant building leases of several messuages and tenements in *Lincoln's Inn Fields*, in the parishes of *St. Giles in the Fields*, and *St. Clement Danes*, in the county of *Middlesex*.
32. An act to vest part of the estate of Sir *Christopher Phillipson* knight, in trustees, to be sold for payment of debts, and for charging part thereof with maintenance for a daughter who is a lunatick.
33. An act for vesting the manor of *Yeovilton*, in the county of *Somerset*, and other lands therein mentioned, of *William Cary* esq; in trustees, for discharging incumbrances, and making provision for his younger children, and settling other lands in the county of *Devon* in lieu thereof.
34. An act for vesting divers manors and lands of *Matthew Holworthy* esq; in trustees, to be sold, and purchasing other manors or lands of equal value, and limiting the manors or lands to be purchased to the same uses, as the lands to be sold are limited.
35. An act for enabling *Bernard Cotton* esq; to sell some part of his estate for payment of his debts, and for confirming several conveyances already made of several other parcels of his estate by himself and trustees, to several purchasers thereof.
36. An act to charge the estate of *Ambrose Andrews* gent. with monies for payment of debts, and for supplying some defects in the settlement of the said estate, for making a jointure and leases upon the said estate.
37. An act to establish and confirm a partition and agreement of and touching the estate of Sir *Thomas Style*, late of *Wateringbury*, in the county of *Kent*, baronet.
38. An act for settling the estate of *Dr. Thomas Lamplugh*, deceased, pursuant to his marriage articles and settlement prepared for that purpose, and for provision for his younger children.
39. An act for the better vesting in *Giles Frampton* esq; the manor and farm of *Moorton* alias *Moreton*, and *Hurst*, in the county of *Dorset*, in possession, and for the better securing the same, and the other manors, farms, messuages, lands, tenements, and hereditaments, late of *William Frampton* esq; deceased, to him the said *Giles Frampton*, and such as are entitled in remainder after him, upon the death of *Tregonwall Frampton* esq;
40. An act to enable *George Evelyn* to raise portions for his brothers and sisters, according to his father's will.
41. An act for sale of part of the estate of *James Torr* gent. deceased, for

A TABLE of the STATUTES.

- for payment of his debts, and for settling other part thereof to the uses therein mentioned.
42. An act to subject the estate of *Robert Coke of Trusy*, in the county of *Derby* esq; and *William Coke*, his son and heir apparent, to the payment of the said *Robert Coke's* debts, and to make provision for the wife, and younger children of the said *William Coke*.
43. An act for the setting aside a voluntary settlement made by *Mary Fermour*, widow, and for ratifying a partition made of the manors of *Merbam* and *Pett*, and divers lands in the county of *Sussex*, between her and *Bartholemew Walmsley* esq; and others.
44. An act for the improvement of the estate of *John Brisco* in the county of *Cumberland*.
45. An act for making good the provision intended for captain *James Roch*, out of the forfeited estates in *Ireland*, and for restoring to the bishoprick of *Cloyne* in the said kingdom the manor and lands of *Donomore*.
46. An act for setting aside voluntary settlements made by *John Hawe* gent. of estates in the counties of *Stafford* and *Warwick*, and settling some part of his estate upon the said *John Hawe*, and his son, and for making provision for the maintenance of his son and daughter, and raising a portion for such daughter, and selling the residue for payment of his debts.
47. An act for sale of the estate of *John Digby* esq; deceased in the county of *Buckingham*, and dividing the money between *Sir John Conway* baronet, and *Richard Mostyn* esq; and for settling the estate of *Sir John Conway*, in the county of *Flint*, and making provision for his son and daughter, according to an agreement for that purpose.
48. An act for the further recompensing of *John Baker* gent. and his family, for the service of col. *Baker* at *Londonderry* in *Ireland*, and for stating the accounts of the late receivers of the rents and profits of the forfeited estates in *Ireland*.
49. An act, that the ships, the *Golden Scar* and *Bull*, being taken as prize, and condemned, may have freedom of trading as *English* ships.
50. An act to naturalize *Daniel Barbier*, *John Kerron du Cbesne*, and others.
51. An act for naturalizing *Henry de Hant*, *George Chabot*, and others.

Anno 3 & 4 Annæ.

- Cap. 1. For granting an aid to her Majesty, by a land tax, to be raised in the year one thousand seven hundred and five.
- Cap. 2. For raising monies by sale of several annuities, for carrying on the present war.
- Cap. 3. For continuing the duties upon malt, mum, cyder, and perry, for one year.
- Cap. 4. For continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muslins; and for granting new duties upon several of the said commodities, and also upon callicoes, china ware, and drugs.
- Cap. 5. For granting to her Majesty a further subsidy on wines and merchandizes imported.
- Cap. 6. For the better enabling her Majesty to grant the honour and manor of *Woodstock*, with the hundred of *Wootton*, to the duke of *Marlborough*, and his heirs, in consideration of the eminent services by him performed to her Majesty and the publick.
- Cap. 7. For the effectual securing the kingdom of *England* from the apparent dangers that may arise from several acts lately passed in the parliament of *Scotland*.

A TABLE of the STATUTES.

- Cap. 8. To permit the exportation of *Irish* linen cloth to the plantations, and to prohibit the importation of *Scotch* linen into *Ireland*.
- Cap. 9. For giving like remedy upon promissory notes, as is now used upon bills of exchange, and for the better payment of inland bills of exchange.
- Cap. 10. For encouraging the importation of naval stores from her Majesty's plantations in *America*.
- Cap. 11. For the better recruiting her Majesty's land forces, and the marines, for the year one thousand seven hundred and five.
- Cap. 12. For the relief of the creditors of *Thomas Pitkin*, a bankrupt, and for the apprehending of him, and the discovery of the effects of the said *Thomas Pitkin*, and his accomplices.
- Cap. 13. For prohibiting all trade and commerce with *France*.
- Cap. 14. To prevent all traitorous correspondence with her Majesty's enemies.
- Cap. 15. For the relief of *Fulk Emes* gent. and others, who had elapied their times, either for paying their money, or naming their nominees, for purchasing annuities; and also for relief of Sir *John Mead* knight and baronet, who had elapied his time for paying part of his purchase-money for a forfeited estate in *Ireland*, and also for relief of *Dorothy Ireland*, and others, in respect of several tickets for payment of annuities, and of several million lottery, and malt lottery tickets, and Exchequer bills, and debentures to the army, which have been burnt or lost.
- Cap. 16. For punishing mutiny and desertion, and false musters; and for the better payment of the army and their quarters.
- Cap. 17. For raising the militia for the year one thousand seven hundred and five, although the month's pay formerly advanced be not repaid.
- Cap. 18. For making perpetual an act for the more easy recovery of small tithes; and also an act for the more easy obtaining partition of lands in coparcenary, joint-tenancy, and tenancy in common; and also for making more effectual and amending several acts relating to the return of jurors.

Private Acts.

Anno 3 & 4 Annæ.

1. An act for settling the right of several parcels of land, and other tenements, and of certain fishings, and tithes of fishings, in the society of the governor and assistants, *London*, of the new plantation in *Ulster*, within the realm of *Ireland*, and their successors; and for settling a rent charge of 250 l. per annum upon the lord bishop of *Derry*, and his successors for ever.
2. An act for naturalizing *Thomas Livingston*, viscount *Teviot* in the kingdom of *Scotland*.
3. An act for naturalizing *Louise Marie Cresset*, the wife of *James Cresset*, esq;
4. An act to enable *Thomas Pile*, esq; and *Elizabeth Freke*, to make leases for lives of the estate of *Thomas Freke* of *Iwerne Courtney*, esq; deceased, as also the son of *George Pitt*, esq; so to do, when entitled, and in actual possession of the premises; and that he may be enabled to make a jointure upon any woman he shall marry, out of the same; and for establishing a school in *Iwerne Courtney*, and augmenting the vicarage of *Corne Abbas*, in the county of *Dorset*.
5. An act to enable *Agnes Hacche*, widow, and other trustees, to make leases, and sell lands, in the county of *Devon*, for the payment of the debts and legacies of *Robert Hacche*, esq; deceased; and for the maintenance and advancement of his daughters portions.
6. An act for confirming an agreement

A TABLE of the STATUTES.

- ment between the executors of *Moses Gould*, esq; deceased, and his relict, for payment of the debts and maintenance of the younger children of the said *Moses Gould*, and for settling other part of his estate.
7. An act for sale of the estate of *Daniel Drake*, gent. deceased, for the provision of his widow and children, according to his will.
 8. An act for naturalizing *Henry Bowman*.
 9. An act for vesting in trustees certain manors and lands of *William* duke of *Devonshire*, and *William Cavendish*, commonly called marquis of *Hartington*, to enable them to mortgage the same for payment of debts, and subject thereunto to settle the same to the like uses, as the same are now settled.
 10. An act to enable the right honourable *John* lord *Powlet*, and *Bridget*, lady *Powlet*, his wife, with the consent of their trustees, to sell their shares and interest of and in certain manors and lands in the county of *Kent*, and to purchase other lands or hereditaments of the like value, to be settled to the same uses.
 11. An act to vest the estate of *Charles* lord *Howard*, baron of *Eserick*, in trustees, to sell the same for payment of his debts.
 12. An act for sale of several estates in *England* and *Ireland*, for payment of the debts of *Charles* late earl of *Burlington*, and *Cork*.
 13. An act for confirming an agreement made by certain articles by and between *John* earl of *Kildare*, *Richard* lord *Bellew*, both of the kingdom of *Ireland*, and *Frances* his lady, *Charlotte* countess of *Newburgh* of the kingdom of *Scotland*, and *William Rowley*, esq; and for selling part of the estate of the said earl of *Kildare*, for the purposes therein mentioned.
 14. An act for confirmation of an agreement made between *Thomas* late lord bishop of *Carlisle*, and *Thomas Cook*, esq; for vesting the rectory of *Melborne* in the county of *Derby*, in the said *Thomas Cook* and his heirs, upon augmentation of the rents to the bishoprick of *Carlisle*, and of the stipend to the vicar of *Melborne*.
 15. An act for sale of several manors and lands in the counties of *Hereford*, *Radnor*, and *Brecon*, for payment of the debts of *Richard* and *Thomas Williams* late of *Cabalwa* in the county of *Radnor*, esquires, deceased.
 16. An act for vesting in trustees all the estate of *Baldwin Malett*, esq; and *William Malett*, his son and heir apparent, for payment of the debts of the said *Baldwin Malett* to her Majesty, as he was receiver general for the county of *Somerset*, and city and county of the city of *Bristol*, and for settling the residue on the said *William Malett*, his heirs and assigns for ever, as by agreement between the said *Baldwin Malett* and *William Malett*.
 17. An act to empower the lord high treasurer, or commissioners of the treasury, to compound with *Richard Cobb*, esq; as one of the sureties of *Thomas Cobb*, gent. deceased, receiver general for the county of *Southampton*, and *Ile of Wight*.
 18. An act to empower the lord high treasurer, or commissioners of the treasury, to compound with *John Drake*, *John Hunton*, and *Edmund Cocks*, as sureties for *Augustine Briggs*, receiver general for the county of *Norfolk* and city of *Norwich*.
 19. An act to empower the lord high treasurer, or commissioners of the treasury, to compound with Sir *Michael Biddulph*, baronet, as he was one of the sureties for *Morgan Whitley*, esq; receiver general for the counties of *Chester* and *North Wales*.

A TABLE of the STATUTES.

20. An act for settling of the tithes of certain lands in *Francton*, in the county of *Warwick*, upon *Simon Biddulph*, esq; and his heirs, and for settling a rent-charge in lieu thereof, upon the present rector there, and his successors for ever.
21. An act for the augmentation of the vicarage of *Gainsborough*, in the county of *Lincoln*.
22. An act to empower the lord high treasurer, or commissioners of the treasury, to compound with *Thomas Whitley*, esq; as he was one of the sureties for *Morgan Whitley*, esq; late receiver general for the counties of *Chester* and *North Wales*.
23. An act for sale of the estate of *Ambrose Scudamore*, esq; deceased, for payment of the mortgage-money and debts thereupon, and placing out the overplus money to the uses therein mentioned.
24. An act for sale of certain lands and tenements in *Heston* in the county of *Middlesex*, late the estate of *Matthew Lister* and his wife, and *Timothy Whitfield* and his wife, for the purposes therein mentioned.
25. An act to enable *James Lockart*, esq; and his wife, to sell certain lands, tenements, and hereditaments in the county of *Essex*, late of *Sir Thomas Luckin*, baronet, deceased, for payment of their debts, and to purchase other lands with the overplus of the money, to be settled to like uses.
26. An act for raising money by a mortgage of a plantation in the *Barbadoes*, to pay the debts of *Robert Hooper*.
27. An act for sale of part of the estate of *Edward Baines*, gent. for discharge of a mortgage thereupon, and making provision for his daughters.
28. An act for severing and disuniting the church or chapel of *Horne*, from the church or chapel of *Blechingly*, in the county of *Surrey*.
29. An act to enable trustees to raise money to pay the debts of *Mark Delves*, esq; deceased.
30. An act for sale of several lands and hereditaments of *Thomas Goddard* of *Rudlow*, in the county of *Wilts*, esq; deceased, for payment of his debts, and for settling the overplus upon *Ambrose Goddard*, for the purposes therein mentioned.
31. An act for sale of several lands and hereditaments of *George Nodes*, esq; in the county of *Hertsford*, for payment of his debts, and the debts of *George Nodes*, esq; his father, deceased, charged thereupon.
32. An act to enable *Joseph Hinxman* of *North Hinton*, in the county of *Southernhampton*, esq; to sell some estates in *Andover*, in the said county; and for the settling other estates in *Christ Church Tuxnebam* in the said county, of a better value, to the same uses.
33. An act for sale of several lands in the counties of *Durham* and *Northumberland*, late of *Patricius Crow*, esq; deceased, for the raising the portions charged thereupon for his younger children.
34. An act for vesting an estate mortgaged in fee by *Thomas Burr*, to *Anthony Tomkins* (now an infant) in trustees, to reconvey the same to the said *Thomas Burr*, or as he shall appoint, upon payment of all the monies due on the said mortgage.
35. An act for confirming and making good the last will and testament of *Hugh Nanney*, esq; deceased.
36. An act to empower the lord high treasurer, or commissioners of the treasury, to compound with *John Mason*, gent. who was receiver general for the county, university, and town of *Cambridge*, and *Ise of Ely*; and also with *John Pickering*, silkman, one of the said *John Mason's* sureties, as he was such receiver.

A. TABLE of the STATUTES.

37. An act for sale of the estate of *Charles Bludworth*, esq; deceased, for payment of his debts.
38. An act for vesting the estate late of *Thomas Guy*, gent. deceased, for payment of his debts.
39. An act to enable *John Proctor*, of *Rock* in the county of *Northumberland*, esq; to sell or otherwise dispose of his lands in *Shawdon*, *Shawdon Woodhouse*, and *Crawley*, upon settling lands of like value in the said county, in lieu thereof.
40. An act for sale of part of the estate of *John Sands*, esq; in the county of *Surrey*, for payment of his debts, and raising a portion for his daughter.
41. An act for sale of the estate of *Richard Ball*, in *Little Appleby* and *Great Appleby*, in the counties of *Derby* and *Leicester*, and for laying out so much of the money as will purchase another estate of equal value, to be settled to the same uses, and the residue in making provision for younger children.
42. An act to enable *Edmund Waller*, esq; to charge his estate (not settled on his wife in jointure) with a sum of money for payment of his debts.
43. An act for raising money for payment of the debts of *Thomas Hatcher*, esq; by sale or mortgage of some part of his estate, and for the better execution of several powers in his marriage settlement.
44. An act to enable *John Green*, of *Gavellacre* in the county of *Southampton*, clerk, to sell some estates in *Hackleston*, in the county of *Wilt*; and for the settling other estates in *Gavellacre*, in the county of *Southampton*, of a better value, to the same uses.
45. An act to naturalize *Margarita Cecilia Cadogan*, wife of brigadier general *Cadogan*, *Gilbert Alcock*, and *John Herman Louis*.
46. An act for enabling trustees to make leases of part of the manor of *Dingley*, and lands there, for payment of the debts of *James Griffin*, esq; and raising portions for younger children.
47. An act for the better explanation of the settlement of the estate of *William Trafford*, gent. and *Clare* his wife, and *William* their eldest son, and for making more effectual a provision for younger children, according to agreements between them.
48. An act for vesting the equity of redemption of the manor and capital messuage of *Latchford*, with the appurtenances, and divers freehold messuages, farms, and lands, in *Latchford* and *Hafely*, in the county of *Oxon*, late the estate of *William Lenthall*, esq; deceased, in trust, to be sold for discharging of incumbrances thereupon.
49. An act to enable *William Covenish*, esq; to make a settlement in jointure upon any wife he shall marry, and for the better raising the portions charged upon his estate, and for confirming infranchisements of several copyhold estates made by his father, within the manor of *Dovebridge* in the counties of *Stafford* and *Derby*.
50. An act to enable Sir *George Warburton*, baronet, to sell the manor or lordship of *Pulford* in the county of *Chester*, to perform an agreement made upon his marriage for payment of several portions charged upon his estate; and also to pay some debts which his father had power to charge.
51. An act for sale of several lands and chattel estates, in the county of *Devon*, and city and county of *Exon*, of *Joseph Price*, for payment of his debts and legacies charged upon his estate, and for a provision for himself, his wife, and family.
52. An act to naturalize *Andrew Girardot*, alias *Devermenoux*, *Francis Buzelin*, and others.

A TABLE of the STATUTES.

53. An act to make some alterations and amendments in an act of parliament obtained the last session by Sir Peter Tyrrell, and Thomas Tyrrell his son, in order to enable them to sell several lands in *Hanslop*, and *Castlethrop*, in the county of *Bucks*, which were settled upon the marriage of the said *Thomas Tyrrell* and *Dorothy* his wife, and to settle other lands in lieu thereof.
54. An act for sale of part of the estate of *Baptist May*, esq; deceased, for reimbursing *Charles May*, esq; his nephew, such monies as he has expended for discharging the debts, legacies, and funeral expences of the said *Baptist May*.
55. An act for sale of the estate of *Thomas Holdford*, esq; in *Plumbly*, and elsewhere, in the county of *Chester*, consisting chiefly in reversions, to raise money for payment of his debts, and purchasing an estate in possession, to be settled to the same uses as the other estate was settled.
56. An act for confirming a lease heretofore made, of certain messuages and lands in *Epsom*, by Sir *Joseph Sheldon*, and Sir *James Edwards*, to *Humphrey Bean*, and agreed to be signed to Sir *Thomas Cooke*, knight, and for enabling a lease of other lands adjoining to the same, to be made to him.
57. An act for vesting in trustees the estate late of Sir *Thomas Worsopp*, knight, and *John Worsopp*, esq; his son deceased, in *Finsbury-Fields* or *Moor-Fields*, in the parish of *Sboreditch*, in the county of *Middlesex*, to be sold for the payment of debts and legacies, and the overplus of the money remaining, to be laid out for the purchasing of messuages, lands, tenements, or hereditaments of inheritance in the kingdom of *Ireland*, to be settled as in the act is particularly mentioned.
58. An act to empower the lord high treasurer, or commissioners of the treasury, to compound with *Thomas Kenyon*, executor of *Luke Lloyd*, esq; as he was one of the sureties of *Morgan Whitley*, esq; as he was receiver general for the counties of *Chester* and *North Wales*.
59. An act for vesting the estate of *Joseph Grainge*, and *Elizabeth* his wife, in trustees, to be sold, and to dispose of part of the money arising by such sale for the maintenance of the said *Elizabeth*, pursuant to their marriage settlement, and to apply the residue to the payment of the debts of the said *Joseph Grainge*.
60. An act to enable trustees to sell such part of the estate of *Richard Lister*, esq; and *Frances Pate Lister*, his wife, sole daughter and heir of Sir *Thomas Smith*, baronet, deceased, in the county of *Chester*, and city of *Chester*, as remains unsold, in order to raise money for the payment of the debts of the said Sir *Thomas Smith*, and for portions for younger children of the said *Frances Pate Lister*; and for applying the overplus in the purchase of other lands, to be settled to the same uses as they are now settled; and likewise for confirming such leases and sales as have been made towards discharge of the said debts.
61. An act to empower the lord high treasurer, or commissioners of the treasury, to compound with *Michael Wicks*, esq; late receiver general of the plantation duties in the port of *London*.

Anno 4. Annæ.

Cap. 1. For exhibiting a bill in this present parliament for naturalizing the most excellent princess *Sophia*, electress and dutchess dowager of *Hanover*, and the issue of her body.

Cap. 2. For granting an aid to her

A TABLE of the STATUTES.

- Majesty by a land tax to be raised in the year one thousand seven hundred and six.
- Cap. 3. To repeal several clauses in the statute made in the third and fourth years of her present Majesty's reign, for securing the kingdom of *England* from several acts lately passed in the parliament of *Scotland*.
- Cap. 4. For the naturalization of the most excellent princess *Sophia*, electress and dutchess dowager of *Hanover*, and the issue of her body.
- Cap. 5. For continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and six.
- Cap. 6. For continuing an additional subsidy of tonnage and poundage, and certain duties upon coals, culm, and cinders, and additional duties of excise, and for settling and establishing a fund thereby, and by other ways and means, for payment of annuities, to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and six, and other uses therein mentioned.
- Cap. 7. For making the town of *New Risi*, in the county of *Wexford* in the kingdom of *Ireland*, a port for the exporting of wool from *Ireland* into this kingdom.
- Cap. 8. For the better security of her Majesty's person and government, and of the succession to the crown of *England* in the protestant line.
- Cap. 9. For repairing the highways between *Barnhill* and *Hatton Heath*, in the county of *Chester*.
- Cap. 10. For the better recruiting her Majesty's army and marines.
- Cap. 11. For continuing an act made in the session held in the third and fourth years of her Majesty's reign, intituled, *An act for punishing mutiny and desertion, and false musters, and for the better payment of the army and quarters.*
- Cap. 12. For laying further duties on low wines, and for preventing the damage to her Majesty's revenue by importation of foreign cut whalebone, and for making some provisions as to the stamp duties, and the duties on births, burials, and marriages, and the salt duties, and touching million lottery tickets, and for enabling her Majesty to dispose the effects of *William Kidd*, a notorious pirate, to the use of *Greenwich* hospital, and for appropriating the publick monies granted in this session of parliament.
- Cap. 13. For the better ordering and governing the watermen and lightermen upon the river of *Thames*.
- Cap. 14. For the better collecting charity money on briefs, by letters patent, and preventing abuses in relation to such charities.
- Cap. 15. For making the river *Stower* navigable, from the town of *Maningtree* in the county of *Essex*, to the town of *Sudbury* in the county of *Suffolk*.
- Cap. 16. For the amendment of the law, and the better advancement of justice.
- Cap. 17. To prevent frauds frequently committed by bankrupts.
- Cap. 18. For enlarging the pier and harbour of *Parton* in the county of *Cumberland*.
- Cap. 19. For the encouragement and increase of seamen, and for the better and speedier manning her Majesty's fleet.
- Cap. 20. For the better enabling the master, wardens, and assistants of *Trinity House*, to rebuild the lighthouse on the *Edystone* rock.
- Cap. 21. For the increase and better preservation of salmon, and other fish, in the rivers within the counties of *Southampton* and *Wilts*.
- Cap. 22. To empower the lord high treasurer, or commissioners of the treasury, to issue out of the monies arising by the coinage duty, any sum

A TABLE of the STATUTES.

sum not exceeding five hundred pounds, over and above the sum of three thousand pounds yearly, for the use of the mint.

Cap. 23. For raising the militia for the year one thousand seven hundred and six, notwithstanding the month's pay formerly advanced be not repaid; and for an account to be made of trophy monies.

Cap. 24. To enlarge the time for registering unsatisfied debentures upon the forfeited estates in *Ireland*, and for renewing of other debentures, which have been lost, burnt, or destroyed.

Cap. 25. For the paying and clearing the several regiments commanded by lieutenant general *Stewart*, colonel *Hill*, and brigadier *Holt*, and for supplying the defect of the muster rolls of those and several other regiments.

Cap. 26. For making effectual a grant of their late majesties King *William* and Queen *Mary*, of the town and lands of *Sea Town* to the archbishopsrick of *Dublin*, and for restoring the same to the said see.

Cap. 27. For the impropriate tithes of the parish of *Saint Bridget alias Bride's London*.

Private Acts.

Anno 4 Annæ.

1. An act for sale of the estate late of *Thomas Chute*, esq; in the county of *Warwick*, and laying out the monies arising thereby, in the purchase of other lands and hereditaments in the county of *Norfolk*, to be settled to the same uses as the *Warwickshire* estate stands settled.
2. An act for naturalizing *William Barnet*, esq;
3. An act for naturalizing *Peter Silvestre*, doctor of physick.
4. An act for naturalizing *Adelaide* dutchess of *Sbrewsbury*.
5. An act for exchanging the parsonage house, and certain glebe lands

belonging to the rectory of *Watton* at *Stone* in the county of *Hertford*, for a certain other house and lands of greater value, lying in *Watton* at *Stone* aforesaid, of and belonging to *Philip Botsler*, esq;

6. An act to enable Sir *Thomas Cave*, baronet to sell certain lands in the county of *Northampton*, to raise money to pay his brothers and sisters portions, and settle other lands in the said county of *Northampton*, and county of *Leicester*, of better value, to the same uses.
7. An act for confirming an agreement made upon the marriage of *Charles Owen*, esq; and *Dorothy* his wife, of *Nash* in the county of *Pembroke*.
8. An act for sale of part of the estate of *James Hamilton*, esq; a minor, for payment of his debts, and for raising portions for younger children, and for making fee farms, and leases for lives, during his minority.
9. An act for supplying a defect (by the death of a trustee) in the appointment of provisions for the younger children of *Henry Smalman*, esq; deceased, and for making the said provision more effectual for such younger children.
10. An act to enable *John Edwards*, gentleman, to sell certain lands in the county of *Norfolk*, for payment of debts.
11. An act to permit the making up of clothes with buttons of cloth, for exportation, for cloathing the army of the allies, notwithstanding the act against cloth buttons.
12. An act for the relief of Sir *Stephen Evence*, knight, and *Henry Cornish*, esq;
13. An act for relief of *John Asgill*, esq; in relation to his purchase of part of the forfeited estates in *Ireland*.
14. An act for naturalizing *William Lewis Legrand*.

A TABLE of the STATUTES.

15. An act for the relief of colonel *Samuel Venner*.
16. An act for naturalizing *Jacob Pecbillis* and others.
17. An act for enabling *James* duke of *Ormond*, and *Charles* earl of *Arran*, to settle fee farm rents in the county of *Tipparary* in the kingdom of *Ireland*, pursuant to an agreement upon the marriage of the said earl of *Arran*, and for making good several grants made by the said earl in fee farm.
18. An act for vesting the inheritance of a messuage and gardens in *Acton*, in the county of *Middlesex*, purchased by the right honourable *Evelyn* earl of *Kingsfon upon Hall*, in trustees, for the said earl and his heirs.
19. An act for making the exemplification of the will of *Edward* late earl of *Conway*, under the seal of the court of *Chancery*, in the kingdom of *Ireland*, and the depositions relating to the same, evidence on hearings in equity and trial at law.
20. An act to enable *Scrope* lord viscount *Howe* of the kingdom of *Ireland*, to make a certain provision for his daughters by his first wife, that which was intended, being, as expressed in marriage settlement, uncertain and contingent.
21. An act to enlarge the power of *Richard* lord *Bulkeley*, viscount *Casbells* in the kingdom of *Ireland*, of leasing his estate in *Cheshire*, for performance and satisfaction of the trusts upon the said estate.
22. An act for sale of part of the estate of *Henry* lord *Colerane*, baron of *Colerane* in the kingdom of *Ireland*, and supplying the want of inrollment of a deed concerning other part of his estate.
23. An act for the supplying the defect of a common recovery, suffered by *Philip Smith*, esq; viscount *Strangford* of the kingdom of *Ireland*, and *George Smith*, esq; his eldest son, and of the deed which declared the uses of the said recovery.
24. An act for sale of the manor of *Temple Dionisley*, alias *Dinsley*, and other lands in the county of *Hertford*, for the payment of the debts of *Sir Edwin Sadlier*, baronet, and other purposes.
25. An act to enable *Sir John Humble*, baronet, and his trustees, to settle several messuages, lands, and hereditaments, lying in the counties of *Lincoln*, *Surrey*, and *Kent*, pursuant to the articles and agreements made upon his marriage with dame *Sarah* his now wife.
26. An act for vesting the estate of *Richard Bold*, esq; in trustees, to be leased, sold, or mortgaged, for raising the portions, debts, and monies to which the same is liable.
27. An act for vesting certain terms for forty years, in trustees, which were granted by *John Abington*, esq; deceased, and to empower them to grant, renew, and fill up leases, according to the usage of the manor therein mentioned, and for raising portions for the younger children of the said *John Abington*.
28. An act for vesting the equity of redemption of the lands and tenements lying in the county of *Leicester*, late the estate of *John Digby*, esq; deceased, in trustees, to the intent that the same may be sold for the discharging of the mortgages and other incumbrances thereon.
29. An act to empower *Thomas Garey*, and *George Hatley* of *London*, merchants, to import the remainder of a quantity of *French* wines from *Copenhagen*, contracted for before the first day of *January*, one thousand seven hundred and four.
30. An act to enable trustees to make provision for payment of debts of *William Huggessen*, esq; and for raising portions for his younger sons, and for making good the intended

A TABLE of the STATUTES.

- settlement upon the marriage of *William Huggessen* the younger, gent.
31. An act for sale of lands in the counties of *Southampton* and *Dorset*, late the estate of *Thomas Deane*, esq; deceased, for payment of the debts and legacies charged thereupon, and for other purposes therein mentioned.
32. An act for augmenting the number of canons residentiary, in the cathedral church of *Litchfield*, and for improving the deanry and prebends of the said cathedral.
33. An act for relief of non commission officers and private soldiers of the lord *Drogheda's* and colonel *Coot's* regiments.
34. An act for sale of the manor and estate of and in *Hetherfedge* and *Dore* in the county of *Derby*, the estate of *Christopher Pegg*, esq; and mortgaging part of his manor and estate of and in *Beauchiff* and *Strawberry Lee* in the same county, for raising money for payment of debts and incumbrances thereon, and for making provision for his family.
35. An act to enable *William Gomeldon*, esq; to sell a farm in *Kent*, to discharge an incumbrance upon the same, and to apply the residue of the monies arising by such sale, in payment of the said *William Gomeldon's* debts.
36. An act for vesting a mortgage of *Humphry Courtney*, esq; deceased, in trustees, to be sold to discharge the mortgages, debts and incumbrances on the said estate.
37. An act for vesting, in trustees, the estate of *Morris Goulston*, esq; for the raising his sisters portions, and payment of debts, and other purposes therein mentioned.
38. An act for vesting certain messuages and lands in the counties of *Devon* and *Cornwal*, of *Nicholas Row*, esq; in trustees, to be sold, and applying the greatest part of the purchase-money to the uses of his marriage settlement, and the residue for payment of debts.
39. An act for the relief of colonel *John Rice*.
40. An act for the removing all doubts touching the saving clause of one act of parliament, intituled, *An act for vesting divers manors and lands of Matthew Holworthy*, esq; in trustees, to be sold, and purchasing other manors or lands of equal value, and limiting the manors or lands to be purchased to the same uses, as the lands to be sold are limited.
41. An act for sale of the manor of *Barwick Hall*, and other lands in the county of *Essex*, the estate of *William Forbes*, esq; and for purchasing other lands to be settled to the same uses.
42. An act to vest certain lands and tenements in the counties of *Kent*, the estate of *Richard Thornhill*, esq; in trustees, to be sold for the payment of debts, and his sisters portions charged thereupon, and for securing the residue of the purchase money, to the uses of his marriage settlement.
43. An act to enable *John Brett Fisher*, esq; and *Judith* his wife, to sell lands for the payment of his debts, and making provision for his wife and children, in case they shall have any.
44. An act to enable *John Williams*, an infant, notwithstanding his infancy, to renew a lease of the parsonage of *Bugden*, held under one of the prebendaries of the cathedral church of *Lincoln*; and also for settling the prebend of *Bugden*, as an augmentation for the vicar of *Bugden*, and vesting the ecclesiastical jurisdiction of the parish of *Bugden* in the bishop of *Lincoln*.
45. An act for the sale of lands in the county of *Lincoln*, late the estate of *John Stanhope*, esq; deceased, for payment of his debts.

A TABLE of the STATUTES.

46. An act for taking the estate in law, for a mortgage made by *John Sands*, esq; which is descended to the daughters and coheirs of *John Pargiter*, deceased (who are infants) they being only trustees for *Henry Raper*, merchant.
47. An act to empower the lord high treasurer of *England*, or commissioners of the treasury for the time being, to compound with *Thomas Thomkins* and *John Chagneau*, and their securities, for the debts owing by them respectively to her Majesty.
48. An act to enable trustees to sell several houses and lands in and near *Portsmouth*, late the estate of *Elizabeth Hicks*, for payment of a debt and interest charged thereupon, and for laying out the residue of the money in other lands, to be settled to the same uses.
49. An act for vesting the freehold and copyhold estate of *Thomas Gower*, gent. deceased, in trustees, to be sold for payment of debts, and settling the remainder for the benefit of his daughters.
50. An act for vesting the estate of *Valentine Crome* of *Maiden Early* in the county of *Berks*, gent. in trustees, to be sold for payment of his father's debts, and making a provision for himself and brother.
51. An act for the sale of lands, late of *John Ballet*, gent. deceased, for the more speedy payment of his debts, and raising portions for his younger children.
52. An act for the more effectual assuring of part of the lands of inheritance of *William* and *Thomas Lambard* in the county of *Kent*, pursuant to a deed of settlement; and for assuring (in lieu of other part thereof) other lands of inheritance therein also mentioned, and for better provision for younger children.
53. An act for vesting the capital messuage and other lands and tenements of *Foulke Wynne*, in the county of *Denbigh*, gent. and *Meredith Wynne* his son, in trustees, to the intent that part thereof may be sold for payment of his debts, and the residue settled pursuant to marriage articles.
54. An act for vesting the estates of *Christopher Reve* the elder, clerk, deceased, and of *Christopher Reve*, clerk, his only son, also deceased, in certain trustees, to be sold for the payment of their several debts and legacies, and for making some provision for *Dorothy* the widow of the said *Christopher Reve* the son, and for *Christopher Reve* his only child, an infant.
55. An act for vesting the estate of *Aribur Vaughan* of *Tretherven*, in the county of *Montgomery*, an infant, in trustees, to be sold for payment of such debts and incumbrances, to which the same, or the said infant, in respect thereof, is liable.
56. An act for vesting the estate of *Elizabeth Hore*, in the county of *Bucks*, in trustees, to be sold, and the monies arising thereby, to be applied for the payment of debts charged thereon.
57. An act for sale of the manor of *Estevening*, and other lands and hereditaments in *Swinhead*, in the county of *Lincoln*, late the estate of *Christopher Fairfax*, gent. deceased, for payment of his debts, and benefit of his children.
58. An act for vesting part of the real estate of *Ralph Baldwin*, gent. in trustees, for a provision for his younger children.
59. An act for settling and securing part of the estates of *Robert Barry*, clerk, and *Anne* his wife, for the benefit of the said *Anne* and her children, and sale of other part of the estate of the said *Robert Barry*, for payment of his debts.
60. An act for vesting the sum of

A TABLE of the STATUTES.

- two thousand pounds in trustees, to be applied to and for the payment of the debts of *John Holworthy*, gent. pursuant to an agreement with his creditors.
61. An act for the sale of an advowson in *Suffex*, late the estate of *Michael Sorocold*, clerk, deceased for payment of his debts, and making provision for his widow and child.
62. An act for sale of the estate of *John Vicary*, deceased, in *Rockbear*, in the county of *Devon*, for payment of his debts charged thereupon, and for maintenance of his widow and children.
63. An act to empower the lord high treasurer of *England*, or commissioners of the treasury for the time being, to compound with *Francis Cley*, as surety for *William Pennock*, late of *Exon*, merchant, in six several bonds, for duties on tobacco, which the said *William Pennock* had at the port of *Falmouth*, in *December*, one thousand seven hundred and one.
64. An act to rectify a mistake in, and explain an act passed in the last session, to empower the lord high treasurer, or commissioners of the treasury, to compound with *Richard Cobb*, esq; as one of the sureties for *Thomas Cobb*, gent. receiver general for the county of *Southampton* and *Isle of Wight*.
65. An act to make the ship *L'Amazon*, taken and condemned as a prize, and sold in the island of *Barbadoes* free.
66. An act for naturalizing *Paul, Frances*, and *Katharine Kilsby*.
67. An act for naturalizing of *Vincent de Laymerie*, and others.
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- Anno 5 Annæ.*
- Cap. 1. For granting an aid to her Majesty, by a land tax, to be raised in the year one thousand seven hundred and seven.
- Cap. 2. For continuing the duties upon malt, mum, cyder and perry, for the service of the year one thousand seven hundred and seven.
- Cap. 3. For the settling the honours and dignities of *John duke of Marlborough* upon his posterity, and annexing the honour and manor of *Woodstock*, and house of *Bleinheim*, to go along with the said honours.
- Cap. 4. For settling upon *John duke of Marlborough* and his posterity, a pension of five thousand pounds per annum, for the more honourable support of their dignities, in like manner as his honours and dignities, and the honour and manor of *Woodstock*, and house of *Bleinheim*, are already limited and settled.
- Cap. 5. For securing the church of *England* as by law established.
- Cap. 6. For repealing a clause in an act, intituled, *An act for the better apprehending, prosecuting, and punishing felons that commit burglaries, house-breaking, or robberies in shops, warehousés, coach-houses, or stables, or that steal horses.*
- Cap. 7. For regulating and ascertaining the duties to be paid by the unfreemen importers of coals into the port and borough of *Great Yarmouth*, in the county of *Norfolk*.
- Cap. 8. For an union of the two kingdoms of *England* and *Scotland*.
- Cap. 9. For rendring more effectual an act passed in the first year of her Majesty's reign, intituled, *An act for the better preventing escapes out of the Queen's Bench and Fleet prisons.*
- Cap. 10. For repairing the highway between *Hockliffe* and *Woborne*, in the county of *Bedford*.
- Cap. 11. For continuing the acts formerly made for repairing of the highways in the county of *Hertford*.
- Cap. 12. For the enlarging the passage

A TABLE of the STATUTES.

- age leading to *New Palace Yard* through the *Gatehouse, Westminster*.
- Cap. 13. For continuing the duties upon houses, to secure a yearly fund for circulating Exchequer bills, whereby a sum not exceeding fifteen hundred thousand pounds is intended to be raised, for carrying on the war, and other her Majesty's occasions.
- Cap. 14. For the better preservation of the game.
- Cap. 15. For the better recruiting her Majesty's land forces and the marines, for the year one thousand seven hundred and seven.
- Cap. 16. For continuing an act made in the third and fourth years of her Majesty's reign, intituled, *An act for punishing mutiny and desertion, and false musters, and for the better payment of the army and quarters*.
- Cap. 17. To repeal all the laws prohibiting the importation of foreign lace made with thread.
- Cap. 18. For inrolments of bargains and sales within the *West Riding* of the county of *York*, in the register office there lately provided; and for making the said register more effectual.
- Cap. 19. For continuing the duties on low wines, and spirits of the first extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on stamp'd vellum, parchment, and paper, and the late duties on sweets, and the one third subsidy of tonnage and poundage, and for settling and establishing a fund thereby, and by the application of certain overplus monies, and otherwise, for payment of annuities, to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and seven, and other uses therein expressed.
- Cap. 20. For the better encouragement of the royal lustring company.
- Cap. 21. For repairing the highway between *Fornhill* in the county of *Bedford*, and the town of *Stony-Stratford* in the county of *Buckingham*.
- Cap. 22. To explain and amend an act of the last session of parliament for preventing frauds frequently committed by bankrupts.
- Cap. 23. To subject the estate of *Thomas Brerewood* to the creditors of *Thomas Pitkin*, notwithstanding any agreement or composition made by the creditors of the said *Thomas Pitkin*.
- Cap. 24. For discharging small livings from their first fruits and tenths, and all arrears thereof.
- Cap. 25. For making the acts more effectual for appropriating the forfeited impropriations in *Ireland*, for the building of churches, and augmenting poor vicarages there.
- Cap. 26. For repairing the highways between *Shepherds-Sbord* and the *Devizes*, and between the top of *Ablington Hill* and *Rowd Ford* in the county of *Wilts*.
- Cap. 27. For continuing several subsidies, impositions, and duties, and for making provisions therein mentioned, to raise money by way of loan for the service of the war, and other her Majesty's necessary and important occasions; and for ascertaining the wine measure.
- Cap. 28. For raising the militia for the year one thousand seven hundred and seven, notwithstanding the month's pay formerly advanced be not repaid; and for an account to be made of trophy money.
- Cap. 29. For ease of her Majesty's subjects in relation to the duties upon salt, and for making the like allowances upon the exportation of white herrings, flesh, oatmeal, and grain called beer *alias* bigg, as are to be made upon exportation of the like from *Scotland*.
- Cap. 30. For the better securing her

A TABLE of the STATUTES.

· Majesty's purchase of *Cotton House* in *Westminster*.

Cap. 31. For the encouraging the discovery and apprehending of house-breakers.

Cap. 32. For the continuing the laws for the punishment of vagrants, and for making such laws more effectual.

Cap. 33. For obliging *John Rice* to account for debentures granted to him in the last session of parliament.

Cap. 34. For continuing the laws therein mentioned relating to the poor, and to the buying and selling of cattle in *Smithfield*, and for suppressing of piracy.

Private Acts.

Anno 5 Annæ.

1. An act for naturalizing *Maria Margaret Lady North and Grey*.
2. An act to enable *Henry Grey*, second son of *Richard Nevill*, esq; to change his name from *Nevill* to *Grey*, according to the will of *Ralph lord Grey* deceased.
3. An act to make the ship called the *Neptune* privateer (a foreign-built ship, late bought as a wreck) a free ship.
4. An act to make the ship *Vigilantia* of *Stad* upon the river of *Elbe* in *Germany* (lately a wreck) a free ship.
5. An act for naturalizing *John Tigb*.
6. An act to enable the lord high treasurer, or commissioners of the treasury, for the time being, to compound with *Benjamin Nicholl*, citizen and late merchant of *London*, and his sureties, for the debt owing by him to her Majesty.
7. An act for the relief of Sir *John Mead*, of the kingdom of *Ireland*, knight and baronet.
8. An act for empowering the barons of the court of Exchequer in *Ireland*, to grant a commission to some persons in *England*, to administer

to *Thomas Maule*, esq; remembrancer of the said court, the usual oaths for the due execution of his office, and to enable him to take the oaths, and subscribe the declaration, in the court of *Chancery* in *England*, instead of those requisite to be taken and subscribed by the laws of *England* and *Ireland*, in order to qualify him to execute the said office.

9. An act for naturalizing *Philip Vanden Enden*, merchant.
10. An act for making the ship *Supply* a free ship.
11. An act to enable the right honourable *Henry* earl of *Thomond*, an infant, to make a settlement of his estate upon his marriage (notwithstanding his infancy) and for other the purposes in the said act mentioned.
12. An act for making more effectual a settlement made by *William* lord bishop of *Oxford*, for the benefit of his children.
13. An act for discharging several lands in the county of *Worcester*, from the sum of two thousand pounds, given by the will of dame *Elizabeth Rich*, widow, deceased, for charitable uses, and charging the same upon other lands in the county of *Berks*.
14. An act for supplying the defect of an appointment for the provision of the younger children of *John Canham*, esq; deceased, pursuant to his marriage settlement, and for settling an estate in *Totteridge*, in lieu of thirteen hundred pounds, the remainder of a sum of money agreed to be laid out in a purchase.
15. An act for sale of some part of the estate of *Henry Darrel*, esq; deceased, and leasing or mortgaging other part thereof, to raise money to pay his debts charged thereupon, and for making provision for his widow and younger children.
16. An act for vesting part of the estate

A TABLE of the STATUTES.

- estate of *William Fitzb*, esq; lying in the county of *Dorset*, in trustees, to be sold for the payment of his sisters portions, and other debts, and for preserving the residue free from all power of waste, and for settling certain tithes in the *Ile of Wight* to the same uses.
17. An act for enabling *Agnes Lee*, widow, to renew certain leases for lives, belonging to *Richard Lee*, her son, who is an infant.
 18. An act for settling the estate of *Daniel Thomas*, gent. for the benefit of his wife and children.
 19. An act for sale of certain houses near *Aldgate* in *London*, late the estate of *William Williams*, deceased, and for purchasing lands in lieu thereof.
 20. An act to empower the lord high treasurer of *England*, or commissioners of the treasury for the time being, to compound with *Nathaniel Rich*, esq; late receiver general for the county of *Essex*.
 21. An act for the relief of *John Baker*, his mother, brother, and sisters, widow and children of col. *Henry Baker*, deceased.
 22. An act for making the ship *Prince* (foreign built) a free ship.
 23. An act for discharging divers manors and lands of *Henry* duke of *Beaufort*, from the portions of his daughters and younger children by his present dutchess, and for charging other manors and lands of the said duke of greater value with the like portions.
 24. An act to enable *Henry Pye*, esq; to make a jointure.
 25. An act for sale of part of the estate of *William Potts*, for discharging his brothers and sisters portions, and his debts, and for confirming his marriage settlement, as to the residue of his estate, discharged of such portions.
 26. An act for vesting lands in *Chelsea*, in the county of *Middlesex*, purchased of *Charles* lord *Cheney* viscount *Newhaven* in *Scotland*, in the Queen's majesty, for the accommodation of *Chelsea College*, and other lands, in *John* lord *Vaughan* earl of *Carbury* in *Ireland*, and his heirs.
 27. An act for confirming and establishing the partitions made between *William Pierrepont*, esq; (since deceased) and the honourable *Charles Egerton*, esq; and others of several manors and lands in the counties of *Suffolk*, *Kent*, and *Surrey*, and to enable *William* and *Samuel Pierrepont*, infants, to make partition of land in other counties, and to sell the same, and purchase other lands to be settled to the same uses, and for rectifying a mistake in the marriage settlement of *William Peck*, esq;
 28. An act for vesting in trustees, a messuage and lands in *Ratcliffe Culey*, in the county of *Leicester*, to be sold, upon the settling of another estate of as great or greater value, to the same uses as the lands to be sold are settled.
 29. An act for relief of *Alexander Pendarvis*, esq; in relation to five thousand pounds, and interest provided for him out of lands in *Ireland*.
 30. An act for the better support and maintenance of the minister of *Tettenhall*, in the county of *Stafford*, for the time being.
 31. An act to vest certain mills and lands in *Downton*, in the county of *Wilts* (the estate of *William Eyre* a lunatick) in trustees, to be sold, and for applying part of the monies arising by the sale thereof for payment of the debts of the said lunatick, and making some provision for *Ambrose Eyre*, his eldest son and heir, and for applying the residue of such monies in purchasing of other lands, to be settled to the same uses as the said premisses to be sold are now settled.

A TABLE of the STATUTES.

32. An act to enable trustees to sell several lands at *Colegreene* within the manor of *Hertingsfordbury*, in the county of *Hertford*, and the manor of the rectory of *Hertingsfordbury* aforesaid, late the estate of *Anne Winwood*, deceased, for payment of a debt of six hundred pounds and interest, due upon mortgage and bond, or specialty; and for laying out the residue of the money arising by such sale in the purchase of other lands or tenements, to be settled to the same uses as the said lands are now settled.
33. An act for vesting a mansion house, and lands thereunto adjoining, in the county of *Middlesex*, the estate of *William Hyde*, merchant, in trustees, to be forthwith sold for the better maintenance and present provision for his children.
34. An act to vest several lands and hereditaments in the county of *York*, in *Robert Hitch*, esq; and his heirs, and to settle other lands and hereditaments in the said county in lieu thereof, and as an exchange thereof, to the same uses.
35. An act for rectifying a mistake, and for supplying the defects in an act of the third year of her Majesty's reign, for sale of the estate late of *Edward Baines*, for discharge of a mortgage thereupon, and for making provision for his daughters.
36. An act for sale of the estate in the county of *Montgomery*, late part of the estate of *Gilbert Charlton*, esq; deceased, and for purchasing other estate or estates in the counties of *Nottingham*, *Leicester*, or *Lincoln*, to be settled to the like uses as the estate in the county of *Montgomery* was settled.
37. An act for the sale of certain lands contained in the marriage settlement of *Daniel King* and *Jane* his wife, and for purchasing other lands of the same or greater value, to be settled to the same uses; also for giving liberty to *Jane Nicholl*, widow, and the executors of *Sir William Pritchard*, to pay two sums of four thousand pounds, and two thousand pounds, mentioned in the said settlement, in the life-time of the said *Jane Nicholl*.
38. An act for sale of part of the estate of *John Weedon* of *Souldern*, in the county of *Oxon*, esq; for payment of his father's debts and legacies, and portions to his younger children, and for settling the rest of his estate to the uses of the father's voluntary settlement.
39. An act to enable *Thomas Clarke*, an infant, to make a lease of a house in *St. Mary Axe* in *London*, to *Sir Jeffery Jefferys*, knight.
40. An act for encouraging the rebuilding the antient parish church of *Humberstone*, in the county of *Lincoln*; and settling a rent charge of greater value on the bishop of *Lincoln* and his successors, in lieu of the rectory of *Humberstone*, and for other purposes therein mentioned.
41. An act for vesting the reversion in fee of certain manors and lands, in the county of *Kent*, late the estate of *Mountague Drake*, esq; deceased, in trustees, to be sold for payment of his debts and legacies.
42. An act for the better discovery of the estate of *John Aynsworth* late of *London*, merchant.
43. An act to enable the lord high treasurer, or commissioners of the treasury for the time being, to compound with *John Crosse*, merchant, and his sureties, for the debt owing by him to her Majesty.
44. An act to enable the trustees of *William Elson*, an infant, to sell part of his estate for payment of his father's debts on specialties.
45. An act to enable the lord treasurer, or commissioners of the treasury for the time being, to compound with *John Pye*, gent. and his

A TABLE of the STATUTES.

- his sureties, for the debt by him and them owing to her Majesty.
46. An act for the relief of *Elizabeth Wansford*, and *Elizabeth Foulke*.
47. An act for naturalizing *John Thomeur*, and others.
48. An act to naturalize *Henry Van Holte*, and others.
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- Anno 6 Annæ.*
- Cap. 1. For granting an aid to her Majesty, to be raised by a land tax in *Great Britain*, for the service of the year one thousand seven hundred and eight.
- Cap. 2. For repealing and declaring the determination of two acts passed in the parliament of *Scotland*, the one, intituled, *Act for the security of the kingdom*; the other, *Act against peace and war*.
- Cap. 3. For better securing the duties of *East India* goods.
- Cap. 4. For charging and continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eight.
- Cap. 5. For raising a further supply to her Majesty, for the service of the year one thousand seven hundred and eight, and other uses, by sale of annuities charged on a fund, not exceeding forty thousand pounds *per annum*, to arise by appropriating several surplusses, and by granting further terms in the duties on low wines, and on hawkers, pedlars, and petty chapmen, the stamp duties, the one third subsidy, the duty on sweets, and one of the branches of excise, and by making other provision in this act mentioned,
- Cap. 6. For rendering the union of the two kingdoms more entire and complete,
- Cap. 7. For the security of her Majesty's person and government, and of the succession to the crown, of *Great Britain* in the protestant line.
- Cap. 8. For encouraging the dressing and dying of woollen cloths within this kingdom, by laying a duty upon broad cloth exported white.
- Cap. 9. For the exportation of white woollen cloth.
- Cap. 10. For the better recruiting her Majesty's land forces, and the marines, for the service of the year one thousand seven hundred and eight.
- Cap. 11. For continuing one half part of the subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King *Charles II.* and for settling a fund thereby, and by other ways and means, for payment of annuities, not exceeding eighty thousand pounds *per annum*, to be sold for raising a further supply to her Majesty, for the service of the year 1708. and other uses therein expressed.
- Cap. 12. To explain the act of the last session of parliament, for the ease of her Majesty's subjects in relation to allowances out of the duties upon salt carried coastwise, and also an act of the first year of her Majesty's reign, in relation to certain salt-works near the sea-side and bay of *Holyhead* in the county of *Anglesea*.
- Cap. 13. For the better securing the trade of this kingdom by cruisers and convoys.
- Cap. 14. For the better security of her Majesty's person and government.
- Cap. 15. To empower her Majesty to secure and detain such persons as her Majesty shall suspect are conspiring against her person or government.
- Cap. 16. For repealing the act of the first year of King *James I.* intituled,

A TABLE of the STATUTES.

- tuled, *An act for the well garbling of spices*; and for granting an equivalent to the city of *London*, by admitting brokers.
- Cap. 17. For assuring to the *English* company trading to the *East Indies*, on account of the united stock, a longer time in the fund and trade therein mentioned, and for raising thereby the sum of 1,200,000*l.* for carrying on the war, and other her Majesty's occasions.
- Cap. 18. For the more effectual discovery of the death of persons pretended to be alive, to the prejudice of those who claim estates after their deaths.
- Cap. 19. For continuing the half subsidies therein mentioned, with several impositions and other duties, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for charging of prize goods and seizures, and for taking off the drawbacks of foreign cordage, and to obviate the clandestine importation of wrought silks.
- Cap. 20. For continuing an act made in the third year of her Majesty's reign, intituled, *An act for punishing mutiny and desertion and false musters, and for the better payment of the army and quarters.*
- Cap. 21. For the avoiding of doubts and questions touching the statutes of divers cathedral and collegiate churches.
- Cap. 22. For continuing several duties therein mentioned, upon coffee, chocolate, spices, pictures, and muslins, and additional duties upon several of the said commodities, and certain duties upon callicoets, china wares, and drugs; and for continuing the duties called the two third subsidies of tonnage and poundage; for preserving the publick credit; and for ascertaining the duties of coals exported for foreign
- parts; and for securing the credit of the bank of *England*; and for passing several accounts of taxes raised in the county of *Monmouth*; and for promoting the consumption of such tobacco as shall have paid her Majesty's duties.
- Cap. 23. To make further provision for electing and summoning sixteen peers of *Scotland*, to sit in the house of peers in the parliament of *Great Britain*; and for trying peers for offences committed in *Scotland*; and for the further regulating of votes in elections of members to serve in parliament.
- Cap. 24. For the further directing the payment of the equivalent money.
- Cap. 25. To enable her Majesty to make leases and copies of offices, lands, and hereditaments, parcel of her dutchy of *Cornwall*, or annexed to the same.
- Cap. 26. For settling and establishing a court of Exchequer in the north part of *Great Britain*, called *Scotland*.
- Cap. 27. To enlarge the time for returning the certificates of all ecclesiastical livings, not exceeding the yearly value of fifty pounds; as also for discharging all livings of that value from the payment of first fruits; and for allowing time to archbishops and bishops, and other dignitaries, for payment of their first-fruits.
- Cap. 28. For continuing the act for ascertaining the tithes of hemp and flax.
- Cap. 29. To repeal a clause in an act of the seventh year of the reign of his late Majesty, (for amending and repairing the highways) which enjoins waggoners, and others to draw with a pole between the wheel horses or with double shafts, and to oblige them to draw only with six horses, or other beasts, except up hills.

A TABLE of the STATUTES.

- Cap. 30.** For ascertaining the rates of foreign coins in her Majesty's plantations in *America*.
- Cap. 31.** For the better preventing mischief that may happen by fire.
- Cap. 32.** For regulating the qualifications of the elections of the governor, deputy governor, directors, and voters of the bank of *England*.
- Cap. 33.** For the importation of cochineal from any ports in *Spain*, during the present war, and six months longer.
- Cap. 34.** For limiting a time to persons to come in and make their claim to any of the forfeited estates and other interests in *Ireland*, sold by the trustees for sale of those estates to the governor and company for making hollow sword blades in *England*, and divers other purchasers.
- Cap. 35.** For the publick registering of all deeds, conveyances, wills, and other incumbrances that shall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments, within the east riding of the county of *York*, or the town and county of the town of *Kingsston upon Hull*, after the 20th day of *September*, 1708. and for the rendring the register in the west riding more compleat.
- Cap. 36.** For raising the militia of this kingdom for the year 1708. altho' the month's pay formerly advanced be not repaid.
- Cap. 37.** For the encouragement of the trade to *America*.
- cleaning, paving, and lightning the streets, and regulating the chairmen there.
2. An act for vesting in *Ralph Freeman*, the younger, esq; and his heirs, divers manors and lands in the county of *Essex*, comprized in his marriage settlement, he having settled other manors and lands in the county of *Hertsford*, of greater value, to like uses in lieu thereof.
 3. An act for naturalizing *Katharine Clarke*, daughter of *Sir William Clarke*, bart. deceased.
 4. An act for naturalizing *Marcos dos Santos*.
 5. An act for making good to *William Thompson*, esq; the benefit intended to be granted to his ancestors, and their heirs, by certain letters patents of *King Charles II.* in lieu of the castle of *Scarborough*, and other things by them surrendered to and now enjoyed by the crown.
 6. An act for erecting a workhouse in the town and borough of *Plymouth* in the county of *Devon*, and for setting the poor on work, and maintaining them there.
 7. An act for enlarging the term in an act made in the seventh year of his late Majesty's reign, for repairing the highways between the city of *London* and town of *Harwich* in the county of *Essex*.
 8. An act for repairing the harbour and key of *Watchet* in the county of *Somerset*.
 9. An act for the more effectual making and keeping the river *Tone* navigable from *Bridgewater* to *Taunton* in the county of *Somerset*.
 10. An act for settling the estate of *John* now earl of *Exeter*, pursuant to agreements made on the marriage of the same earl with *Elizabeth* countess of *Exeter* his now wife, subject to such alterations as are mentioned herein.
 11. An act to supply a defect in an act of parliament made in the first

Private Acts.

Anno 6 Annæ.

- I. An act for repairing, amending, and enlarging the highways between the town of *Kingsdown Hill* and the city of *Bath*, and also several other highways leading to and through the said city; and for

A TABLE of the STATUTES.

- year of the reign of her present Majesty Queen Anne, intituled, *An act for raising 1500 l. by mortgage of lands in the county of Dorset, for payment of debts, and for a further provision and maintenance of the younger children of Philip Caldecot, esq;*
12. An act to make the ship *Ambuscade* (a French privateer taken by her Majesty's ship the *Dover*, and condemned and sold as a prize) a free ship.
13. An act for erecting a harbour and koy at *East Tarbet*, in the shire of *Argyle*.
14. An act for the better amendment of that way which leads from *Chevil* through *Calne* to *Studley* bridge in the county of *Wilts*.
15. An act for repairing the highways from *Old Stratford* in the county of *Northampton*, to *Dunburch* in the county of *Warwick*.
16. An act for the reversal of the attainder of *Sir Henry Bond*, bart. in *Ireland*.
17. An act for making effectual the provision intended by *William Bromley*, late of *Holt Castle* in the county of *Worcester*, esq; for *Dorothy Bromley* his youngest daughter.
18. An act for selling the estate of *Thomas Stephens*, esq; in the counties of *Chester* and *Stafford*, and for settling of another estate of as great or greater value, in the county of *Gloucester*, to the same uses.
19. An act for vesting in *Roger Tuckfield*, esq; several lands purchased for him by *Sir William Davye*, bart. deceased.
20. An act for making two large fly boats (*Russia* built) one called the *Thomas* and *Henry*, the other the *Richard* and *Jane*, free ships to trade to *Russia*.
21. An act for naturalizing *Peter Des Maizeaux*, *Francis Heilman*, *John Ristean*, *Peter Bouvot*, and others.
22. An act to enable the right honourable the countess of *Bindon*, together with the right honourable *Henry* earl of *Bindon*, her now husband, to make leases of the manor and town of *Carlowe* in the county of *Catherlagh*, and *Queen's County* in the kingdom of *Ireland*, and for the evidencing of the settlements made by *Henry* late earl of *Thomond*.
23. An act for vesting the equity of redemption of the manor and capital messuage of *Great Haseley*, with the appurtenances, and divers messuages, farms, and lands in *Haseley* and *Latchford* in the county of *Oxford*, late the estate of *William Lensball*, esq; deceased (in trustees) to be sold for discharging of incumbrances thereupon.
24. An act for vesting several messuages, houses, lands, and tenements, in the county of *Dublin*, in the kingdom of *Ireland*, formerly the estate of *Thomas Boyd*, esq; in a trustee, to be sold for the payment of the debts of *Letice* late countess of *Kilmarnock*, deceased, and for raising portions for the younger children of the said countess.
25. An act to vest the estate of *Edward Cheek*, esq; deceased, in *Somersetshire*, remaining unfold at his death, in trustees, to be sold to satisfy the demands of the lady *Russel*, his mother, and *Essex Cheek* his sister, and to vest the remainder of the monies arising by sale of the said estate, in the purchase of other lands, to be settled on *Edward Cheek*, an infant, and his heirs.
26. An act to enable *Sir William Wyndham* of *Orchard Wyndham* in the county of *Somerset*, bart. to make a marriage settlement, and for other purposes therein mentioned, during his minority.
27. An act for explaining and amending a proviso and power for enabling *Sir John Wentworth*, bart. and his brothers, to make a wife a jointure.

A TABLE of the STATUTES.

28. An act to enable Sir *Ralph Milbank*, bart. to make a jointure and settlement upon such woman as he shall marry, as if he were of full age.
29. An act for sale of the manor of *Swinden*, and several messuages, lands, and hereditaments in the county of *York*, late part of the estate of *Christopher Lister*, esq; and after of *Thomas Lister*, esq; both deceased, for payment of the legacies and debts of the said *Christopher Lister*, and a mortgage of the said *Thomas Lister*.
30. An act to empower the lord high treasurer of *Great Britain*, or commissioners of the treasury, to compound with *Richard Parke*, citizen and late merchant of *London*, for a debt due to her Majesty.
31. An act for the sale of a piece of ground, late of *John Killingworth*, esq; deceased, on which stood several old and decayed tenements, and applying the purchase-money for the benefit of his wife and daughters.
32. An act for vacating the settlement made upon the marriage of *Henry Mayne*, and for making a reasonable provision for the maintenance of his only son (who is an idiot) during his life.
33. An act for sale of part of the estate of *James Hamilton*, esq; deceased.
34. An act for the relief of col. *Richard Sutton*, and other *Aids de Camp*.
35. An act for the relief of capt. *James Roch*.
36. An act for the relief of lieutenant colonel *John Savery*.
37. An act for naturalizing *John Affleck*, esq; and *Mary Dutry*.
38. An act for naturalizing *Peter Dybordieu*, and others.
- in *Great Britain*, for the service of the year 1709.
- Cap. 2. For the speedy and effectual recruiting her Majesty's land forces and marines, for the service of the year 1709.
- Cap. 3. For charging and continuing the duties upon malt, mum, cyder, and perry, for the service of the year 1709.
- Cap. 4. For punishing mutiny and desertion and false musters, and for the better payment of the army and quarters.
- Cap. 5. For naturalizing foreign protestants.
- Cap. 6. For explaining and making more effectual that part of an act passed in the fifth year of her present Majesty's reign, concerning the buying and selling of cattle in *Smithfield*, and for giving leave for bringing up calves dead to *London*, as formerly.
- Cap. 7. For enlarging the capital stock of the bank of *England*, and for raising a further supply to her Majesty, for the year 1709.
- Cap. 8. For continuing several impositions and duties, to raise money by way of loan; and for exporting *British* copper and brass wire duty free; and for circulating a further sum in Exchequer bills, in case a new contract be made in that behalf; and concerning the oaths to be administered in relation to *Italian* thrown silks; and touching oils and plantation goods of foreigners, taken or to be taken as prize; and concerning drugs of *America*, to be imported from her Majesty's plantations; and for appropriating the monies given in this session of parliament; and for making out debentures for two transport ships in this act named; and to allow a further time for registering certain debentures; and for relief of persons who have lost such tickets, Exchequer bills, debentures, tallies,

Anno 7 Annæ.

Cap. 1. For granting an aid to her Majesty, to be raised by a land tax

A TABLE of the STATUTES.

- or orders; as in this act are mentioned.
- Cap. 9. For giving the commissioners of sewers for the city of *London*, the same powers as the commissioners of sewers for counties have; and to oblige collectors for the sewers to account.
- Cap. 10. For rendering more effectual the laws concerning commissions of sewers.
- Cap. 11. For ascertaining and directing the payment of the allowances to be made for or upon the exportation from *Scotland* of fish, beef, and pork, cured with foreign salt imported before 1 *May* 1707. and for disposing such salt still remaining in the hands of her Majesty's subjects there, and for ascertaining and securing the allowances for fish and flesh exported and to be exported from *Scotland*, for the future.
- Cap. 12. For preserving the privileges of ambassadors, and other publick ministers of foreign princes and states.
- Cap. 13. For the better ascertaining the lengths and breadths of woollen cloth made in the county of *York*.
- Cap. 14. For the better preservation of parochial libraries in that part of *Great Britain* called *England*.
- Cap. 15. For altering *Whisfunside* and *Lammas* terms for the court of *Exchequer* in *Scotland*.
- Cap. 16. To prevent the laying of wagers relating to the publick.
- Cap. 17. For making more effectual an act made in the sixth year of her Majesty's reign, for the better preventing of mischiefs that may happen by fire.
- Cap. 18. To preserve the rights of patrons to advowsons.
- Cap. 19. To enable infants who are seised or possessed of estates in fee, in trust, or by way of mortgage, to make conveyances of such estates,
- Cap. 20. For the publick registering of deeds, conveyances, and wills, and other incumbances which shall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments, within the county of *Middlesex*, after the 29th of *September*, 1709.
- Cap. 21. For improving the union of the two kingdoms.
- Cap. 22. For the Queen's most gracious, general, and free pardon.
- Cap. 23. For raising the militia for the year 1709, although the month's pay formerly advanced be not repaid.
- Cap. 24. For continuing the former act for the encouragement of coinage, and to encourage the bringing foreign coins, and *British* or foreign plate, to be coined, and for making provision for the mints in *Scotland*, and for the prosecuting offences concerning the coin in *England*.
- Cap. 25. For making perpetual an act for the better preventing the counterfeiting the current coin of this kingdom; as also an act for giving like remedy upon promissory notes, as is used upon bills of exchange, and for the better payment of inland bills of exchange; and also for continuing several acts made in the fourth and fifth years of her Majesty's reign, for preventing frauds committed by bankrupts.
- Cap. 26. For appointing commissioners to treat and agree for such lands, tenements, and hereditaments as shall be judged proper to be purchased for the better fortifying *Portsmouth*, *Chatham*, and *Harwich*.

Private Acts.

Anno 7 Annæ.

1. An act for continuing an act made in the first year of her Majesty's reign, intituled, *An act for the rebuilding and repairing of the piers of the*

A TABLE of the STATUTES.

- the town and port of Whitby in the county of York.*
2. An act for naturalizing *Charlotta Christiana lady Duffus.*
 3. An act to enable *Edward Sainthill* (late *Edward Yard*) esq; to change his surname from *Yard* to *Sainthill*, according to the will of *Samuel Sainthill*, esq; deceased.
 4. An act for continuing an act made in the seventh and eighth years of the reign of his late majesty King *William*, intituled, *An act for repairing the highways between Wymondham and Attleborough in the county of Norfolk*, and for including therein the road leading from *Wymondham* to *Hethersett*, over the commons belonging to the said towns.
 5. An act for preserving and enlarging the harbour of *Whitehaven*, in the county of *Cumberland.*
 6. An act for building a church or chapel in the town of *Manchester* in the county of *Lancaster.*
 7. An act to enable *Anne Crewe* (late *Offley*) widow, and *John Crewe* (late *Offley*) her son and heir apparent, to change their surnames from *Offley* to *Crew*, according to the settlement of *John Crew*, esq; deceased.
 8. An act for vesting in trustees the reversion of several lands and tenements expectant on leases for lives, the estate of *Hugh Stafford* of *Phynes* in the county of *Devon*, esq; to be sold for payment of debts, and by discharging his power of leasing, to secure other lands to come into possession to his son in lieu thereof.
 9. An act to enable *William Collins*, clerk, *Thomas Parrat*, and *William Day*, gent, to dispose of certain lands, for the payment of the debts of *John Granger*, and for making provision for the widow and younger children of *Nicholas Granger*, his late father, deceased.
 10. An act for further enabling *George Penne*, esq; to sell lands for payment of his debts, by enlarging a trust for that purpose contained in a former act, intituled, *An act to enable George Penne, esq; to sell lands for the payment of his debts, and other purposes therein mentioned.*
 11. An act for naturalizing *Lewis de Rosset*, *Peter Brozet*, and others.
 12. An act for repairing and improving of *Morrison's Haven*, and the fort there, in the shire of *East Lothian*, alias *Hadington.*
 13. An act for building a parish church, and parsonage house, and making a new church-yard, and a new parish in *Birmingham*, in the county of *Warwick*, to be called the parish of *St. Philip.*
 14. An act for vesting in *John duke of Newcastle* and his heirs, certain lands belonging to the vicarage of *Walesby*, in the county of *Nottingham*, in the lieu of an annual rent of 10 l. per An. payable to the vicar of the said vicarage, and his successors for ever.
 15. An act to vest the estates which came to the right honourable *Other* earl of *Plymouth*, by his mother, in trustees, to be sold for raising money to pay off the debts charged upon his paternal estate, and to enable him to cut coppices.
 16. An act for the explaining and making more effectual an act made *Anno primo Annæ Reginae*, intituled, *An act giving further time to John lord bishop of Chichester, and his successors, to make leases of certain houses and ground in and near Chancery Lane, belonging to the bishoprick of Chichester.*
 17. An act to explain a clause in a statute made in the 27th year of the reign of King *Henry VIII.* enabling tenants in tail in possession, to make jointures to wives, and enlarging the same, so as *Richard lord Willoughby de Broke*, and others, tenants in tail in possession, may make

A TABLE of the STATUTES.

- make jointures to the wives of their eldest sons or grandsons.
18. An act for vesting some part of the estate in the county of *Lincoln*, included in the marriage settlement of the right honourable *William Powlett*, esq; commonly called lord *William Powlett*, in trustees, to be sold for the raising money to discharge an incumbrance fallen on the same, by virtue of a decree of the high court of *Chancery*; and to confirm an agreement made by the said lord *William Powlett*, with the right honourable the countess dowager of *Bridgewater*, and the executor of the late duke of *Bolton*, deceased, relating to such incumbrance.
 19. An act for vesting the barony of *Wem*, and manors of *Wem* and *Lopington*, and several lands and tenements in the county of *Salop*, and the manors of *Dolby* and *Broughton*, and lands thereto belonging in the county of *Leicester*, and the manor of *Fulmer*, and several lands and tenements in the county of *Bucks*, late the estate of *George* late lord *Fefferies*, deceased, in trustees, to be sold for payment of debts and portions, and other purposes therein mentioned.
 20. An act to enable the honourable *William Cecil*, esq; with others, to sell lands for the payment of several debts charged upon his estate by the right honourable *John* late earl of *Exeter*, deceased, his late father.
 21. An act for vesting in trustees the fourth part of a fourth part (being the share of *Sir Roger Braidshaigh*, part. of the estate of the late countess of *Oxford*, to be sold to pay portions and debts, and with the remainder of the money arising by such sale, to purchase other lands to be settled to the same uses as his paternal estate is by his marriage settlement.
 22. An act to reverse the outlawry and attainder of *Christopher* lord baron of *Slane* in *Ireland*,
 23. An act for vesting divers manors, messuages, lands, and tenements of *John Lacy*, esq; in the counties of *Essex*, *Cambridge*, and *Middlesex*, in trustees, to be sold for payment of his debts, making provision for his children unprovided for, and other purposes therein mentioned.
 24. An act for vesting the site, capital messuage, or farm of the manor of *South Stoke*, and lands thereunto belonging, in the county of *Somerset*, late the estate of *John Gay*, gent. deceased, in trustees, to be sold for the speedier payment of his debts, and better performance of the trusts therein mentioned.
 25. An act to empower the lord high treasurer of *Great Britain*, or commissioners of the treasury, to compound with the sureties of *Samuel Pacey*, deceased, late receiver general for the county of *Suffolk*.
 26. An act to enable the lord high treasurer, or commissioners of the treasury for the time being, to compound with *William Mallett*, esq; for the debt of his father, for whom he was surety while receiver general of the county of *Somerset*, and city of *Bristol*.
 27. An act for better establishing certain charities of *John Pierrepont*.
 28. An act for vesting the estate of *Gideon Haydon*, esq; deceased, lying in the county of *Devon*, in trustees, to be sold for the payment of the debts wherewith it stands incumbered, and settling the overplus to the uses in his marriage settlement limited and declared.
 29. An act for the better performance of the will of *Stephen Harvey*, esq; deceased, and making provision for his children.
 30. An act for the reversal of the outlawry of *Eleanor Bagot*, the wife of *John Bagot*.
 31. An act to enable *William How* of *Somerton* *Early*, in the county of *Somerset*, esq; to sell the manor and farm

A TABLE of the STATUTES.

- farm of *Gunvile-Eastbury*, alias *Tarrant-Gunvile*, in the county of *Dorset*, and several messuages, lands, tenements and hereditaments in *Gunvile-Eastbury*, alias *Tarrant-Gunvile* aforesaid, and to settle other lands and hereditaments of greater value to the same uses to which the said manor and premisses in *Gunvile-Eastbury*, alias *Tarrant-Gunvile*, now stand limited, in lieu thereof.
32. An act to enable *John Elye*, esq; to raise monies out of his estate to pay his debts, and for settling the residue thereof, together with the estate of *Elizabeth* his wife, to the uses intended by his marriage settlement.
33. An act for sale of certain lands and annuities late the estate of *John Coldham*, of *Tootin Graveney*, esq; deceased, for raising of portions for his grand children, according to his will.
34. An act to make the ships, the *Barclay Castle*, and *James*, of *Montrose*, free ships.
35. An act for the payment of the debts of Sir *John Bolles*, bart. a lunatick.
36. An act to enable *Thomas Bulkley*, gent. to sell part of the estate comprized in his marriage settlement, to pay off debts which were precedent to, and do affect the said settlement.
37. An act for the relief of the non-commission officers and soldiers of the respective companies of the three regiments of col. *Thomas Handasyde*, col. *John Livesay*, and lieutenant general *Erle*, and of the four independent companies at *New York* in *America*.
38. An act for annexing the rectory or parsonage of *Hafely* in the county of *Oxon*, to the deanery of the King's free chapel of *St. George* within his castle of *Windsor*, and for vesting the advowson of the rectory and parochial church of *St. Mary*, alias *North Church Barkhamstead*, in the county of *Hertford*, in the dean and canons of the King's free chapel of *St. George* within his castle of *Windsor*, in lieu thereof.
39. An act to enable *James Stopford*, esq; to sell lands in the county of *Nottingham*, for payment of debts and portions.
40. An act for confirming a term of five hundred years, created by *Richard Minsbul*, esq; and his trustees, for securing the payment of 8000 l. and interest.
41. An act for the relief of the earl of *Clanriccard* (lately called lord *Bophin*) of the kingdom of *Ireland*, in relation to his estate, and for the more effectual selling or settling the estate of the said earl to protestants.
42. An act to explain an act made in the first year of her Majesty's reign, intituled, *An act to oblige Edward Whitaker to account for such sums of publick money, as hath been received by him*.
43. An act to enable *Anthony Stafford*, gent. to sell or mortgage some part of his lands and hereditaments in the counties of *Derby* and *Chester*, for the payment of his father's debts and his own, and the better settling and securing the rest for the benefit of his wife and family.
44. An act for vesting the equity of redemption of the manor of *Backwell*, in the county of *Somerset*, in trustees, to be sold pursuant to the will of *Caroietta Nettles*, deceased, and a decree in chancery.

The END of the TABLE.



T H E

S T A T U T E S at Large, &c.

Anno secundo & tertio ANNÆ Reginae.

AT the parliament begun at Westminster the twentieth day of August, Anno Dom. 1702. in the first year of the reign of our sovereign lady Anne, by the grace of God, of England, Scotland, France, and Ireland, Queen, defender of the faith, &c. And from thence continued by several prorogations and adjournments to the ninth day of November, 1703, ^a being the second session of this present ^b parliament. ^a In the record it is 13 Apr. 3 Annæ.

C A P. I.

An act for granting an aid to her Majesty by a land tax, to be raised in the year one thousand seven hundred and four. E X P.
4 s. in the pound.

C A P. II.

An act for granting an aid to her Majesty, by continuing the duties upon malt, mum, cyder, and perry, for one year. E X P.

C A P. III.

An act for granting an aid to her Majesty, for carrying on the war, and other her Majesty's occasions, by selling annuities at several rates, and for such respective terms or estates as are therein mentioned.

Most gracious Sovereign,

WHEREAS by an act of parliament made in the twelfth year of the reign of our late sovereign lord King William the Third, of blessed memory, intituled, An act for appropriating three thousand seven hundred pounds weekly, out of certain branches of excise, for publick uses, and for making a provision for the service of his Majesty's household and family, and other his necessary occasions, it was (amongst other things) enacted, That from and after the five and twentieth day of December, one thousand seven hundred, for and during the term of five years from thence next ensuing, the full, clear, and entire weekly sum of three thousand seven hundred pounds, of lawful English money, out of all the monies arising by the hereditary rates and duties of excise upon beer, ale, and other liquors, which were granted to the crown in the twelfth year of the reign of 12 W. 3. c. 12.
See 1 Geo. 1. stat. 1. c. 1. s. 4.
12 Car. 2. c. 29.



STATUTES at Large, &c.

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12 W. 3. c. 12.
See 1 Geo. 1. stat. 1. c. 2. s. 4.
12 Car. 2. c. 23.

King Charles the Second, and by the duties of excise payable during the said late King William's life, and by every or any of them, if all those duties of excise should so long continue; and if the said duties of excise, payable during his said late Majesty's life, should happen to determine before the end of the said term of five years, then out of the monies arising entirely by the said hereditary duties of excise, for and during all the residue which should be then to come and unexpired of the said term of five years, should be brought and paid into the receipt of the Exchequer by weekly payments, and in such manner and form as in the said act are particularly mentioned, for the purposes in the said act expressed: and it is thereby further enacted, That in lieu and discharge of certain perpetual annual payments; and of all arrears thereof granted by his late majesty King Charles the Second to the respective patentees therein named, the said hereditary revenue of excise should, from and after the twenty sixth day of December, one thousand seven hundred and five, be and stand charged for ever with the payment of annual sums after the rate of three pounds per centum per annum, to be paid as by the said act is directed, and subject to such power of redemption as in the said act is expressed:

1 Annæ, stat. 1.
c. 7.

II. And whereas by an act of parliament made in the first year of your Majesty's reign, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown, it is (amongst other things) enacted, That the duties of excise which had been granted to his said late majesty King Charles the Second, during his life, and afterwards to King William and Queen Mary, during their lives, and the life of the survivor of them (except as therein is excepted) and a certain duty upon vinegar, shall be levied and paid to your Majesty, during your life (which God preserve) and the same, together with the said hereditary duties of excise, are thereby subjected to the said weekly payment of three thousand seven hundred pounds, in the manner therein mentioned, during the said term of five years; and it was thereby further declared, That from and after the expiration of the said term of five years, so much money as, together with the said payments after the rate of three pounds per centum per annum, should make up the sum of three thousand seven hundred pounds for every week, during your Majesty's life, should and might be taken out of the said hereditary duties of excise, and out of the said duties of excise granted for your Majesty's life, and either or any of them, and the said payments, after the rate of three pounds per centum per annum, being deducted out of the hereditary part thereof, the residue of the said three thousand seven hundred pounds a week should be applied and disposed of, to and for the publick use and service, as by the said several acts (relation being thereunto respectively had) may more fully appear.

III. Now we your Majesty's most dutiful and loyal subjects the commons of England in parliament assembled, being desirous by the most easy means that are possible to raise the money which is necessary for carrying on the present war, and supplying your Majesty's important occasions, do cheerfully and unanimously grant unto your Majesty a further aid to arise by contributions for annuities to be purchased in the manner and

form

form herein after mentioned; and do humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *December*, in the year of our Lord one thousand seven hundred and five, the said full, clear, and entire weekly sum of three thousand seven hundred pounds, out of all the monies arising by the said hereditary duties of excise, and by the said duties of excise payable during her Majesty's life, and by every and any of them, according to the tenor and direction of the act of parliament above recited in that behalf, and from and after her Majesty's decease, then the like full, clear, and entire weekly sum of three thousand seven hundred pounds of lawful *English* money, out of all the monies to arise by the said hereditary duties of excise, and every of any of them, from time to time for ever, shall be brought and paid by the commissioners, farmers, receiver and receivers general for the time being of the said several duties of excise (who are hereby required and enjoined to bring and pay the same accordingly) into the receipt of the Exchequer distinctly and separately from all other monies whatsoever, that are or shall be payable by them into the said receipt, the said weekly sum or payment of three thousand seven hundred pounds, to be brought and paid into the said receipt upon *Wednesday*, in every week, if it be not an holiday, and if it be, then upon the next day that is not an holiday, for the purposes in this act expressed; and in case in any week or weeks the whole receipt of the monies of the said several branches or duties of excise hereby charged as aforesaid, shall not be sufficient to answer the weekly payment or payments hereby directed for such particular week or weeks, that then and so often the deficiency and deficiencies thereof shall be supplied and made good out of the whole receipt of the said particular branches of excise, and every or any of them, arising in the next week or weeks, when the receipt or receipts shall be sufficient to bear the same.

Aid granted from 25 *December*, 1705.

IV. And it is hereby further enacted by the authority aforesaid, That the commissioners of excise for the time being, at their head office in *London*, shall from time to time separate and keep apart all the monies arising by the said particular branches of excise herein before mentioned, as the same shall from time to time arise or be paid into the said office of excise by the receivers or collectors of the same, or by any other person or persons whatsoever, and shall out of the monies so arising make the said weekly payments into the Exchequer, for the uses in this act mentioned.

Monies arising by the said branches of excise to be kept apart, and paid weekly into the Exchequer.

V. And be it further enacted, That if the said commissioners of excise for the time being shall refuse or neglect to pay or cause to be paid into the Exchequer the said weekly sums hereby appointed, or shall divert or misapply any part of the monies which should make good the same, then they and every of them

Penalty on nonpayment.

so offending shall forfeit their several offices and places, and be incapable to serve the Queen, her heirs or successors, in any office or place of trust or profit, and shall be liable for every such offence to pay double the value of the money so diverted or misapplied, to any person or persons who will inform or sue for the same, by action of debt, or of the case, bill, suit or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance shall be granted or allowed.

Comptroller of
excise to keep
a distinct ac-
count of the
monies.

VI. And be it enacted, That the comptroller of the excise for the time being shall keep a perfect and distinct account, in a book or books fairly written, of all the monies which shall arise by the said particular branches of excise, out of which the said weekly payments are to be made as aforesaid, as the same shall from time to time arise or be raised (to which books all persons concerned shall at all reasonable times have free access, without fee or charge) and such comptroller in default thereof shall forfeit his office or place, and be rendered incapable as aforesaid, and shall also forfeit and lose the sum of two hundred pounds for every such default, to any person or persons who will inform or sue for the same as is before mentioned.

Penalty.

Monies to be
entred apart.

VII. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of the Exchequer one book, in which all the monies which ought to be paid in weekly as aforesaid, for or upon account of the said weekly sums out of the said particular branches of excise, and which shall be brought to the said receipt, shall be entred apart and distinct from all other monies paid into the said receipt on any other account whatsoever.

Annual sums
how to be paid.

VIII. And it is hereby further enacted, That out of the money of the said hereditary duties of excise, arising in or by such weekly payments at the Exchequer as aforesaid, the said annual sums, after the rate of three pounds *per centum per annum*, prescribed by the said act, made in the parliament holden in the twelfth year of the reign of his said late majesty King *William* the Third, shall be satisfied and paid according to the directions therein contained, and subject to the power of redemption therein mentioned; and also out of all the monies of the said several branches of excise, arising in or by the said weekly payments, the several annuities to be purchased in pursuance of this act, shall be paid and satisfied, from and after the said five and twentieth day of *December*, in the year of our Lord one thousand seven hundred and five, for and during the then residue and remainder of the several and respective terms and estates, which by virtue of this act shall be purchased of and in such annuities respectively; and that all the rest and residue of the monies arising by the said weekly payments, and which at the end of every year, reckoning the first year to begin from the said five and twentieth day of *December*, in the year of our Lord one thousand seven hundred and five, shall remain, after satisfying or reserving sufficient to satisfy all the payments which shall

shall be then incurred or grown due, as well for and upon the said annual sums after the rate of three pounds *per centum per annum*, as also for and upon all the said annuities to be purchased upon this act, shall be applied and disposed of to and for the publick use and service, and not otherwise.

IX. And for the raising any sum or sums of money, not exceeding one million eighteen thousand eight hundred sixty and seven pounds, eighteen shillings, and six pence; that is to say, nine hundred thousand pounds thereof for carrying on the present war, and other her Majesty's occasions, and one hundred and eighteen thousand eight hundred sixty and seven pounds, eighteen shillings, and six pence, residue thereof, for making good the quarterly payments herein after mentioned, to incur and grow due on and before the said five and twentieth day of *December*, one thousand seven hundred and five; it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, to contribute, advance and pay into the receipt of her Majesty's Exchequer, for her Majesty's use, at or before the respective days and times by this act limited in that behalf, any sum or sums of money for or towards the said sum of one million eighteen thousand eight hundred sixty and seven pounds, eighteen shillings, and six pence, for purchasing any annuity or annuities, to be satisfied as in this act is mentioned, for and during the full term of ninety nine years to be reckoned from the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and four, at the rate of fifteen years purchase; which rate doth amount to the sum of one hundred and fifty pounds for every such annuity of ten pounds *per annum*, and proportionably for any greater annuity: and the same rate or consideration-money is hereby appointed to be paid into the said receipt, at or before the respective days and times herein after mentioned, that is to say, one third part thereof on or before the first day of *May*, in the year of our Lord one thousand seven hundred and four; one other third part thereof on or before the four and twentieth day of *June*, in the said year of our Lord one thousand seven hundred and four; and the remaining third part thereof, on or before the nine and twentieth day of *September*, in the said year of our Lord one thousand seven hundred and four. And the said annuities so to be purchased, and every of them, shall be paid and payable, from time to time, at the four most usual feasts of the year, that is to say, the feast of the nativity of Saint *John Baptist*, Saint *Michael* the archangel, the birth of our Lord *Christ*, and the annunciation of the blessed virgin *Mary*, by even and equal portions, the first payment thereof to be made at or for the feast of the nativity of Saint *John Baptist*, in the year of our Lord one thousand seven hundred and four; which said annuities shall, for the first year, and three quarters of a year, of the said term of ninety nine years, be satisfied and paid out of the monies to be advanced in pursuance of this

Persons may advance
1,018,867l.
18s. 6d. for
purchasing
annuities for
99 years.

at 15 years
purchase,

to be paid into
the Exche-
quer, one third
part on 1 May,
1704. one o-
ther third
part on 24
June, 1704.
and the other
third part on
29 Sept. 1704.
annuities so
purchased how
and when to
be paid.
By 6 Geo. 1.
c. 4. s. 1. the
South Sea
company may
take in these
annuities.

act, whereof sufficient shall be reserved for that purpose; and for all the rest and residue of the said term of ninety nine years, the said annuities, and every of them, shall be paid and satisfied out of the monies arising by the weekly payments of excise money before mentioned.

X. And for the raising any further sum and sums of money, not exceeding three hundred thousand pounds, for carrying on the said war, and other her Majesty's occasions, and also for raising such monies as shall be necessary to discharge the quarterly payments, which during one year and three quarters of a year, to be reckoned from the said five and twentieth day of *March*, one thousand seven hundred and four, shall or may grow due upon the other annuities to be purchased, as is herein after mentioned; it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, to contribute, advance, and pay into the said receipt of her Majesty's Exchequer, for her Majesty's use, at or before the respective days and times, and by such proportions, as are before in this act appointed for payment of the purchase monies for the annuities first above mentioned, any sum and sums of money for purchasing any annuity or annuities for one life, at the rate of nine years purchase, or for two lives, at the rate of eleven years purchase, or for three lives, at the rate of twelve years purchase, or for such a certain term of ninety nine years, as aforesaid, at the rate of fifteen years purchase, at the election of such purchasers respectively; which said rates do amount to the sum of ninety pounds for an annuity of ten pounds *per annum* for one life, and to the sum of one hundred and ten pounds for an annuity of ten pounds *per annum* for two lives, and the sum of one hundred and twenty pounds for an annuity of ten pounds *per annum* for three lives, and to the sum of one hundred and fifty pounds for an annuity of ten pounds *per annum* for the certain term of ninety nine years before mentioned, and proportionably for any greater annuities so to be purchased for such estates or interests respectively.

XI. And it is hereby enacted, That all the said annuities so to be purchased for life, lives, or years, at the election of the purchaser, as aforesaid, shall likewise commence from the said five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and four, and shall be paid and payable at the said receipt of Exchequer, at the four usual feasts before mentioned, by even and equal portions, the first payment thereof to be also made at or for the said feast of the nativity of Saint *John Baptist*, in the year of our Lord one thousand seven hundred and four.

XII. And be it enacted by the authority aforesaid, That all the quarterly payments which shall or may incur or grow due for or upon the annuities last mentioned, within the said time of one year, and three quarters of a year, to be reckoned from the said five and twentieth day of *March*, one thousand seven

For raising a further sum of 300,000l. Persons may purchase annuities for one life at 9 years purchase, for two lives at 11 years purchase, three lives at 12 years purchase, or for 99 years at 15 years purchase.

Annuities to commence from 25 Mar. 1704. and to be paid quarterly.

How the quarterly payments from 25 Mar. 1704. to 25 Dec. 1705. shall be paid, &c.

seven hundred and four, until and for the said five and twentieth day of *December*, one thousand seven hundred and five, shall be satisfied and paid out of the monies to be advanced for purchasing the same annuities upon this act, whereof sufficient shall be reserved for that purpose; and all quarterly payments which shall incur and grow due for or upon the same annuities last mentioned, and every of them, from and after the said five and twentieth day of *December*, one thousand seven hundred and five, during the continuance of the respective terms and estates so to be purchased therein, shall be paid and satisfied out of the monies arising by the weekly payments of excise money before mentioned.

XIII. Provided always, That when the contributions upon this act shall amount in the whole to one million two hundred thousand pounds, for carrying on the said war, and her Majesty's occasions, and to so much more as shall or may be necessary to discharge all the said annuities, until the five and twentieth day of *December*, one thousand seven hundred and five inclusively, then no further contributions shall be received at the said Exchequer for purchasing annuities upon this act.

When the contributions shall amount to 1,200,000l. &c. no more shall be received at the Exchequer:

XIV. And it is hereby further enacted, That where any contributor shall advance money, at the respective rate aforesaid, for an estate for one life, as aforesaid, every such contributor, his executors, administrators or assigns, shall and may name to the auditor of the receipt, and clerk of the pells, for the time being, or to either of them, the life of the same contributor, or any other life (at his or her election) during which, every such contributor, or such as he or she shall appoint, his, her, or their executors, administrators, and assigns respectively, shall be intitled to every such annuity, according to the true meaning of this act; and that where any contributor shall advance money at the respective rate aforesaid, for an estate for two lives, every such contributor, his executors, administrators, or assigns shall and may name to the said auditor of the receipt and clerk of the pells for the time being, or either of them, two persons or nominees (whereof himself or herself, if he or she thinks fit, may be one) during whose lives, and the life of the survivor of them, every such contributor, or such as he or she shall appoint, his, her, or their executors, administrators, and assigns respectively, shall be intitled to every such annuity, according to the true meaning of this act; and that where any contributor shall advance money at the respective rate aforesaid, for an estate for three lives, every such contributor, his or her executors, administrators, or assigns, shall and may name to the said auditor of the receipt, and clerk of the pells, for the time being, or either of them, three persons or nominees (whereof himself or herself, if he or she think fit, may be one) during the lives of which nominees, and of the survivors and survivor of them, every such contributor, or such as he or she shall appoint, his, her, and their executors,

Contributor for one life may name the life of the same contributor, or any other, who shall be intitled to such annuity.

Contributor advancing for two lives, may name two nominees, &c. and for three lives, three nominees, &c.

administrators, and assigns respectively, shall be intituled to every such annuity, according to the tenor and true meaning of this act.

Lives to be named by the contributors, by 1 May, 1704.

XV. Provided always, That all the said lives shall be named by the several contributors, their executors or administrators, or such as shall be employed by them to pay in the said purchase-monies, on or before the said first day of *May*, in the year of our Lord one thousand seven hundred and four.

Contributors names, &c. to be entred in the offices of the auditor and clerk of the pells. Books to be inspected without fee.

XVI. And it is hereby enacted, That in the offices of the said auditor of the receipt, and clerk of the pells severally, there shall be provided and kept a book or books, in which shall be fairly entred the names of all who shall be contributors, and of all persons by whose hands the said contributors shall pay in any of the said sums, and also the several sums so paid, and the times when the same are respectively paid, and the several nominees for whose lives respectively the said annuities for life or lives are to continue; to which book it shall be lawful for the respective contributors, their executors, administrators, and assigns, from time to time, and at all seasonable times, to have resort, and to inspect the same without fee or reward; and as well the said several contributors for life, lives, or years, as the said nominees for life or lives, shall be described in the said books by their christian and surnames, additions, and places of abode, and other descriptions which shall best ascertain the persons.

Contributors paying their purchase-money, to enjoy the annuities so purchased,

XVII. And be it further enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the consideration or purchase-money after the respective rates aforesaid, at or before the respective days and times in this act before limited in that behalf, for any annuity or annuities for such term of years; or estate for life or lives, as aforesaid, according to the true meaning of this act, or such as he, she, or they shall appoint, his, her, or their respective executors, administrators, and assigns, shall have, receive, and enjoy, and be intituled, by virtue of this act, to have, receive, and enjoy the respective annuity and annuities so to be purchased, out of the monies arising and to arise, as aforesaid, for and during all and every such term of years, for life, or lives respectively, and that all the annuities to be purchased on this act, for any term, estate, or interest whatsoever, shall be free from all taxes, charges, and impositions whatsoever,

free from taxes;

and shall have tallies for the same,

XVIII. And be it further enacted by the authority aforesaid, That every contributor upon any part of this act for any of the annuities aforesaid, his, her, or their executors, administrators, or assigns, upon payment of the consideration or purchase-money for the same, at the respective rates in this act before appointed, or any part or proportion thereof, within the time or times by this act limited in that behalf, shall immediately have one or more talley or tallies levied, importing the receipt of so much consideration-money as shall be so paid for or in part of the said respective sums to be raised, as aforesaid,

said, and upon payment of all the purchase-money for any such annuity or annuities, as aforesaid, at the rate by this act appointed, every such contributor respectively, his or her respective executors, administrators, or assigns, shall have an order for payment of such annuity and annuities, for and during such respective term, estate, or interest, as he, she, or they shall or ought to have therein, as aforesaid; which order shall be signed by the treasurer and under treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being; and after the signing thereof, the same shall be firm, good, valid, and effectual in law, according to the purpose and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any treasurer or under treasurer of the Exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office or offices of them or any of them, nor shall any lord high treasurer of England, treasurer of the Exchequer, or any commissioners of the treasury, now or for the time being, have power to revoke, countermand, or make void such orders so signed, as aforesaid, or any of them.

and orders for repayment.

No lord treasurer, &c. to revoke the same.

XIX. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer, the sums by them intended to be advanced upon any of the terms aforesaid, it is provided and enacted by the authority aforesaid, That every such contributor, who shall advance and pay into the said receipt of Exchequer, all or any part of the purchase-money payable for any such annuity or annuities, as aforesaid, before the said first day of *May*, in the year of our Lord one thousand seven hundred and four, his, her, or their executors, administrators, or assigns, shall be allowed and paid, out of the contribution-money arising by this act, interest after the rate of five pounds *per centum per annum*, for the prompt payment of the money so advanced, from the time of the actual advancing and paying the same, until the said first day of *May*, one thousand seven hundred and four.

Contributors to be allowed 5l. per cent. interest for prompt payment,

until 1 May, 1704.

XX. And be it further enacted, That it shall and may be lawful to and for any contributor, his or her executors, administrators, or assigns, at any time or times, during the continuance of his or her term, estate, or interest, of and in any annuity to be purchased upon this act, by any writing under hand and seal, or by his or her last will in writing, to assign or devise such annuity and annuities, or any part thereof, or any interest therein, to any person or persons whatsoever, and so *toties quoties*; and no such assignment to be revokable, so as an entry or memorandum of assignment or will be made in books to be kept for that purpose in the said office of the auditor of the receipt, within the space of two months after such assignment or death of the deviser, and that upon the producing such assignment, or will, or probate thereof, in the said office of receipt, to be entered as aforesaid, the party so producing

Annuities may be assigned or devised.

Entry thereof to be made on affidavit.

same,

Affidavits to be filed.

In default of assignment, &c. interest of contributorsto go to his ex-ecutors, &c. Annuities to be deemed a personal e-state, &c.

Guardians to infants may advance 150l. &c. to purchase an annuity, &c. and be discharged for so much.

Contributors to produce a certificate of the life of nominee, &c. signed by the minister and church warden,

without fee; otherwise to make oath of nominee's life.

Justices to make a certificate thereof, &c.

same, shall bring therewith an affidavit, taken before some person authorized to take affidavits in causes depending in any the courts at *Westminster*, of the due execution of the said assignment or will, which affidavits shall be severally filed in the said office; which said entry or memorandum the said officers in the said receipt of the Exchequer are hereby required to make accordingly, and to file the said affidavits, and in default of such assignment or devise, by deed or will, the interest of such contributor (not being such as is to determine by his or her death) shall go to his or her executors or administrators.

XXI. And it is hereby enacted, That every estate of and in any annuity to be purchased upon this act, shall be deemed a personal estate, and (if the same be not such annuity as is to depend upon the contributor's own life) shall go to his executors and administrators, and not be descendable to the heir.

XXII. And be it further enacted, That it shall and may be lawful for any guardian or trustee, having the disposal of the money of any infant under the age of one and twenty years, for the use or benefit of such infant, to advance and pay the sum of one hundred and fifty pounds of the money of such infant, to purchase any annuity upon this act for the benefit of such infant; and the said guardian and trustee, as to the said sum of one hundred and fifty pounds so advanced, is hereby discharged.

XXIII. And to the intent and purpose that all deceits in receiving any payment upon any of the said annuities to be purchased for life or lives as aforesaid, may be prevented; be it enacted by the authority aforesaid, That every contributor, for any of the said annuities for life or lives, his or her executors, administrators or assigns, upon his or her demanding of any quarterly payment, upon such his or her annuity (unless the nominee appear in person at the said receipt) shall produce a certificate of the life of his or her respective nominee, signed by the minister and churchwardens of the parish where such nominee shall be then living, upon the day when the said quarterly payment shall become due (if such nominee shall be then residing in the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*) which certificate the said minister and churchwardens are hereby required to make without fee or reward; or otherwise it shall and may be lawful to and for every contributor, his or her executors, administrators and assigns, at his, her or their election, to make oath of the truth of his, her or their respective nominee's life, upon the day when the said payment shall become due, before any one or more justices of the peace of the respective county, riding, city, town, or place, wherein such person, at the time of making the said oath, shall reside; which oath he or they are hereby impowered to administer: and the said justice or justices shall make a certificate thereof, for which oath and certificate no fee or reward shall be received: and the said certificates shall be filed in

in the said office of the receipt of Exchequer: and if any person shall be guilty of a false oath, or forging any certificate, touching the premises, and be thereof lawfully convicted, he or she shall incur the punishment to be inflicted upon persons who commit wilful and corrupt perjury.

Penalty on person guilty of a false oath or forging certificate, &c.

XXIV. And be it further enacted, That in case any nominee for life or lives shall, at the time of such demand of any quarterly payment, be resident in *Scotland* or beyond the seas, and any one or more of the barons of the Exchequer for the time being shall certify, that upon proof to him or them made (which proof he and they is and are hereby authorized and required to take in a summary way) it doth seem probable to him or them that the said nominee is living (which certificate is to be given, and examination made, without fee or reward) the said certificate being filed as aforesaid, shall be a sufficient warrant for the making of such quarterly payment to the respective contributor, his or her executors, administrators or assigns.

Certificate, that nominee, resident in Scotland, or beyond sea, is living, to be sufficient for making payment.

XXV. And be it further enacted by the authority aforesaid, That if any person or persons shall receive any one or more quarterly payments, upon any of the said annuities purchased for one or more lives as aforesaid, for any time beyond the death of his, her or their nominee, when the same ought to cease, such person shall be obliged to repay the sum, so by him or her received, into the receipt of Exchequer; and if the same were obtained, either by forging any certificate of the life of such nominee, or by bringing any one to the said receipt of Exchequer, to personate his or her appearance, every such person so fraudulently getting the said money, and every person so produced as aforesaid, shall forfeit treble the sum so received, to be recovered by action of debt, in any of her Majesty's courts of record at *Westminster*, by any person who shall sue for the same; in which action no esoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed: and moreover, the said persons so fraudulently getting the said money, and the persons produced as aforesaid, and all other partakers in such forgery or fraud, shall be further punished for the same, according to the laws of this realm.

Persons receiving any quarterly payment after the death of nominee, shall be obliged to repay the same.

Penalty on persons obtaining the same fraudulently.

XXVI. And be it further enacted, for the better encouraging persons to advance the said several sums on this act, That all receipts and issues, and all other things directed by this act to be performed in the Exchequer, shall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity or reward for the same; and in case any of the officers of the Exchequer shall take or demand any such fee or reward, or shall divert or misapply any of the said weekly sums to be paid into the receipt of the Exchequer, or any part of the monies which should make good the payment of the said annuities, or shall pay or issue out of the same otherwise than according

All receipts and issues in the Exchequer shall be made without fee.

Penalty on officer taking fee, or misapplying the weekly sums or not making entries.

- to the intent of this act, or shall not keep books and registers, and make entries, and do and perform all other things, which by this act they are required to perform, every such officer shall forfeit his office, and be for the future incapable of any office or place of trust whatsoever, and shall answer and pay treble damages with costs of suit to every contributor or person who shall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no *essoins*, protection, privilege of parliament, or other privilege, wager of law, injunction, or order of restraint, or more than one imparlance, shall be granted or allowed; and in the said action the plaintiff upon recovery shall have his full costs; one third part of which sum, so to be recovered for damages, shall be to the use of her Majesty, her heirs and successors; and the other two third parts, with the costs, shall be to the use of the prosecutor: and in case there shall be any collusion or faint prosecution between the plaintiff and defendant in such action, it shall be lawful for any other contributor, his or her executors, administrators, or assigns, to bring another action, wherein he shall recover as aforesaid, to the uses aforesaid.
- Treble damages.**
- Plaintiff on recovery to have full costs.**
- In case of faint prosecution, contributor may bring another action.**
- Officer making payment on certificate, shall not incur any penalty, &c.**
- Contributors to certify the death of nominees,**
- and deliver up their tallies, &c. in 3 months after decease.**
- Penalty.**
- Monies appropriated for payment of the annuities.**
- XXVII.** Provided always, and be it enacted, That in case any officer of the Exchequer shall make any quarterly payment or payments upon such certificate as is before directed, such officer shall not incur any penalty, forfeiture, or disability for doing thereof, although the said certificate be forged or false, or the said nominee be dead, unless the said officer did know, at the time of such payment, that the said nominee was dead, or that the said certificate was forged or false.
- XXVIII.** And be it further enacted, That every contributor for life or lives, as aforesaid, his or her executors, administrators, or assigns, within one month after notice of the death of any his or their respective nominee or nominees, shall certify such death to the auditor of the receipt of Exchequer for the time being, and within three months after notice of the determination of his, her, or their annuity or annuities, by the death or deaths of his, her, or their nominee or nominees, shall deliver, or cause to be delivered up, to the said auditor, his or their talley and order, by which he or they were or was intitled, during the life of such nominee or nominees, to receive such annuity or annuities, in case such talley and order be in his or their hands or power, and in default thereof, such contributor, his or her executors, administrators, and assigns, shall forfeit the sum of ten pounds, to be recovered by action of debt, as aforesaid, and to be had and received to the use of any person who shall sue for the same.
- XXIX.** And it is hereby enacted and declared, That so much of the monies arising by the said weekly payments out of the said branches of excise, as shall be sufficient, from time to time, to discharge the said annuities from and after the

the said five and twentieth day of *December*, one thousand seven hundred and five, during the continuance of the said annuities respectively, and so much of the said contribution-money to be advanced on this act, as shall be sufficient to discharge all the payments which shall or may grow due on the said annuities, from the said twenty fifth day of *March*, one thousand seven hundred and four, until and for the said twenty fifth day of *December*, one thousand seven hundred and five inclusively, shall be appropriated and applied, and are hereby appropriated to and for the payment of the said annuities, according to the true meaning of this act, and shall not be divertible or diverted to any other use, intent, or purpose whatsoever, under such penalties, forfeitures, and disabilities, as are before mentioned.

XXX. Provided always, That no person or persons whatsoever shall or may purchase or obtain, or be admitted to purchase or obtain, any annuity upon this act, for any term, estate, or interest whatsoever, unless the whole, or one third part of the consideration money for the same, at such respective rate, as aforesaid, be advanced and paid into the said receipt of Exchequer, on or before the said first day of *May*, in the year of our Lord one thousand seven hundred and four.

One third part of the purchase money to be paid by 1 May 1704.

XXXI. Provided also, That in case any such contributor, as aforesaid, who shall on or before the said first day of *May*, one thousand seven hundred and four, have advanced one third part only of his or her purchase money, his or her executors, administrators, or assigns, do not advance and pay into the receipt of Exchequer, one other third part of his or her consideration money, so to be paid for such respective annuity or annuities, as aforesaid, on or before the said twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and four; and the remaining third part thereof on or before the said twenty ninth day of *September*, in the same year of our Lord one thousand seven hundred and four; then, and in every such case respectively, no order shall be drawn or signed for such respective annuity for which the consideration money shall not be fully paid, as aforesaid, but so much of the consideration money as shall have been actually paid into the Exchequer for such respective annuity, shall be forfeited and lost to her Majesty, her heirs and successors, and be applied, together with other the monies to be raised by this act, for the purposes aforesaid; any thing in this act contained to the contrary notwithstanding.

Contributors not paying the two other parts within the times limited,

such monies, so paid in, to be forfeited, &c.

XXXII. Provided always, and it is hereby enacted, That it shall and may be lawful to and for the lord treasurer, or commissioners of the treasury for the time being, out of any the monies of the said weekly payments, to reward the officers and clerks in the Exchequer to be employed in the payment of the said annuities, or any of them, for their labour, pains, and service therein respectively, in such proportions as to the lord treasurer, or commissioners of the treasury for the time being, shall

Allowances to officers and clerks, &c.

shall seem meet and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

If so many contributions be not made by 1 May, 1704, as will raise 1,200,000. &c.

Queen, &c. may borrow so much as will make up the 1,200,000. &c.

XXXIII. Provided always, and be it enacted by the authority aforesaid, That if so many contributions upon this act, for such annuities as aforesaid, shall not be made on or before the said first day of *May*, one thousand seven hundred and four, as shall be sufficient (together with the several parts or proportions of the purchase money then remaining to be paid at or before such several days or times, as aforesaid) to raise the said whole sum of one million and two hundred thousand pounds, over and above the money necessary to discharge such annuities as shall be purchased, until the said five and twentieth day of *December*, one thousand seven hundred and five inclusively, as aforesaid; then immediately from and after the said first day of *May*, one thousand seven hundred and four, it shall and may be lawful to and for her Majesty, her heirs or successors, or her or their officers in the receipt of Exchequer, by command or appointment of her Majesty, her heirs or successors, to borrow and take into the said receipt of Exchequer, of or from any person or persons, natives or foreigners, bodies politick or corporate (who have hereby power and authority to lend and advance the same) for the service of carrying on the said war, and other her necessary occasions, any sum or sums of money, which, together with the whole amount of all the consideration or purchase monies, paid or to be paid, in ready money or by proportions, as aforesaid, for the said annuities, shall not exceed in the whole the said sum of one million and two hundred thousand pounds, besides so much as shall be necessary to discharge the purchased annuities, until and for the said five and twentieth day of *December*, one thousand seven hundred and five, as aforesaid; which loans shall be registred and repaid in course, according to the dates of the tallies, and interest shall be allowed for the said loans after the rate of six pounds *per centum per annum*, and payable quarterly; and the principal and interest of the said loans shall be charged upon, and payable out of, all the monies, which shall arise by the said weekly payments, over and above so much as will be sufficient to satisfy the said annual payments, after the rate of three pounds *per centum per annum*, to the said patentees, and those claiming under them, and over and above so much as shall be sufficient to satisfy so many annuities as shall have been actually purchased upon this act: and that tallies of loan shall be levied for the monies so lent, and orders shall be drawn and signed for repayment of the same, with such interest as aforesaid, according to the course of the Exchequer; and that such orders, or any part thereof, shall be assignable, such assignments being first entred in the office of the auditor of the said receipt; and that no monies so to be lent shall be chargeable with any taxes, rates, or impositions; and all the monies arising by the said weekly payments out of the said branches of excise (over and above so much as will be sufficient to satisfy the said annual payments, after the rate of

Interest allowed.

Tallies and orders for repayment, &c.

Monies so lent not to be taxed.

three pounds *per centum per annum*, and so many annuities as shall have been actually purchased upon this act, as aforesaid) shall be applied and appropriated, and the same are hereby appropriated to and for the repayment of the said loans in course, with such interest as aforesaid, unto such person or persons, natives or foreigners, bodies politick or corporate, who shall lend or advance the same, as aforesaid, his, her, or their executors, administrators, successors, or assigns respectively, without any fee or charge whatsoever, and shall not be diverted or be divertible to any other use or purpose whatsoever, under the like penalties and forfeitures as are by this act prescribed for diverting or misapplying any of the money that ought to be applied to the payment of the said annuities: and in case all the monies so to be borrowed, with the interest thereof, shall not be repaid by or before the five and twentieth day of *December*, one thousand seven hundred and six, then the remainder thereof shall be satisfied out of the next aids to be granted by parliament, after the same five and twentieth day of *December*, one thousand seven hundred and six.

Weekly payments, &c. appropriated for repayment,

without fee.

Monies not repaid by 25 Dec. 1706. how satisfied.

CAP. IV.

An act for the publick registering of all deeds, conveyances, and wills, that shall be made of any honors, manors, lands, tenements, or hereditaments, within the West Riding of the county of York, after the nine and twentieth day of September, one thousand seven hundred and four.

WHEREAS the West riding of the county of York is the principal place in the North for the cloth manufacture, and some relating most of the traders therein are freeholders, and have frequent occasions to borrow money upon their estates for managing their said trade, but for want of a register find it difficult to give security to the satisfaction of the money lenders (although the security they offer be really good) by means whereof the said trade is very much obstructed, and many families ruined: for the remedying whereof may it please your most excellent Majesty, at the humble request of the justices of the peace, gentlemen, and freeholders of the said West riding, that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a memorial of all deeds and conveyances, which from and after the nine and twentieth day of *September*, in the year of our Lord one thousand seven hundred and four, shall be made and executed, and of all wills and devises in writing made or to be made and published, where the devisor or testator shall die after the said nine and twentieth day of *September*, of or concerning, and whereby any honors, manors, lands, tenements, or hereditaments in the said West riding, may be any way affected in law or equity, may, at the election of the party or parties concerned, be registred in such manner as is herein after

Farther provided by 5 Annæ, c. 18. and 6 Annæ, c. 35. f. 34.

A memorial of all deeds and conveyances made after 29 Sept. 1704. and of all wills, &c. made in the West riding of York-shire, may be registred.

after directed ; and that every deed or conveyance that shall, at any time after any memorial is so registred, be made and executed of the honors, manors, lands, tenements, or hereditaments, or any part thereof, comprized or contained in any such memorial, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such memorial thereof shall be registred as by this act is directed, before the registring of the memorial of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim ; and that every devise by will of the honors, manors, lands, tenements, or hereditaments, or any part thereof, mentioned or contained in any memorial so registred, as aforesaid, that shall be made and published after the registring of such memorial, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless a memorial of such will be registred in such manner as is herein after directed.

Register's office to be kept at Wakefield.

II. And for settling and establishing a certain method, with proper rules and directions for registring such memorials, as aforesaid, be it further enacted by the authority aforesaid, That one publick office for registring such memorials of and concerning any honors, manors, lands, tenements and hereditaments, that are situate, lying, and being within the said *West riding*, shall be established and kept at *Wakefield*, the nearest market town to the center or middle of the said *West riding*, to be managed and executed by a fit and able person, to be from time to time elected and appointed in manner herein after directed, or his sufficient deputy, and to continue in the said office for so long time as he shall well demean himself therein.

Register to be elected by balloting. Manner of Election.

III. And be it enacted by the authority aforesaid, That all elections of a register to be made or appointed by virtue of this act, shall be performed by balloting in manner following (that is to say) all the freeholders that at the time of any such election have an estate of freehold, of or in any lands, tenements, or hereditaments within the said *West riding*, of the yearly value of one hundred pounds (to be determined by the oath of the elector, before the scrutators herein after-mentioned, if any doubt arise touching the same, which oath they are hereby empowered to administer) shall be electors of the said register ; and that the justices of the peace for the said *West riding*, in that behalf assembled, or the major part of them, or any five of such justices to be appointed by such major part, shall be scrutators of the ballot ; who shall meet on the day and place of election, and there, in the presence of the electors, shall place one or more glass vessels to be provided for that purpose, into which each elector present shall put one open paper, containing the name of such person as he approves of to be register : which papers shall be taken out again in the presence of the said scrutators, by a person by them in that behalf appointed ; and the name or names of every person therein shall be once transcribed in distinct columns, and under each name shall be set down the number

ber of their electors, which shall be deliberately cast up by the said scrutators, and the same shall be read over in the hearing, and fixt up in the view, of the electors then present; and the person upon whom the majority shall fall, shall be declared register.

IV. And be it enacted by the authority aforesaid, That the election of a person to be the first register, shall be made at the next general quarter sessions of the peace to be holden for the said *West riding*, after the feast of *Easter*, in the said year of our Lord one thousand seven hundred and four, in open court, on the second day of the said sessions, between the hours of nine in the morning, and three in the afternoon.

V. And be it enacted by the authority aforesaid, That when and as often as the said office shall become vacant by the death, forfeiture, or surrender of any such register, the justices of the peace for the said *West riding*, assembled at the general quarter sessions of the peace, next after such vacancy shall happen, or the major part of them, shall in open court declare the said vacancy, and by order of the same sessions shall appoint and prefix a certain day and time, within the space of one calendar month, and above three weeks ensuing the end of such general quarter sessions, for the electors to assemble at *Wakefield* aforesaid, to choose a fit and able person, in the manner aforesaid, to supply the said vacancy: and to the intent that all persons qualified to be electors, may have due notice of such vacancy, and time of election of a succeeding register, the clerk of the peace for the time being for the said *West riding* shall forthwith cause copies of such order, for the prefixing the time of such election, to be delivered to the respective chief constables of the several wapentakes within the said *West riding*, who shall and are hereby required to publish the same in full market in every market town within their several wapentakes, on the next market day after the receipt thereof, and to affix the same in the most publick place of resort there.

VI. And be it enacted by the authority aforesaid, That upon the death of any such register, and until another election of a person to execute that office shall be made in manner aforesaid, the executors and administrators of the register deceased, together with the sureties for the said register, or their executors and administrators, shall appoint a proper person to execute the office of register, for whose demeanor in the execution of the said office the security given for such register deceased shall be answerable.

VII. And be it further enacted by the authority aforesaid, That all and every memorials, so to be entred or registred, shall be put into writing, in vellum or parchment, and directed to the register of the said office; and in case of deeds and conveyances, shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their guardians or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance;

Deeds and conveyances.

Wills.

What every memorial of any deed, conveyance, or will shall contain.

Register to indorse a certificate on every such deed, &c.

Memorials to be numbred.

Register to keep an alphabetical calendar.

Memorials to be filed and entred in order.

which witness shall, upon his oath before the said register, or his deputy, prove the signing and sealing of the said memorial, and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorials shall be under the hand and seal of some or one of the devisees, his or their guardians or trustees, attested by two witnesses, one whereof shall, upon his oath before the said register or his deputy, prove the signing and sealing of such memorial; which respective oaths the said register or his deputy is hereby impowered to administer.

VIII. And be it further enacted by the authority aforesaid, That every memorial of any deed, conveyance, or will, shall contain the day of the month, and the year when such deed, conveyance, or will bears date, and the names and additions of all the parties to such deed or conveyance, and of the deviser, or testatrix of such will, and of all the witnesses to such deed, conveyance, or will, and the places of their abode, and shall express or mention the honors, manors, lands, tenements, and hereditaments, contained in such deed, conveyance, or will, and the names of all the parishes, townships, hamlets, precincts, or extraparochial places, within the said *West riding*, where any such honors, manors, lands, tenements, or hereditaments are lying or being, that are given, granted, conveyed, devised, or any way affected or charged by any such deed, conveyance, or will, in such manner as the same are expressed or mentioned in such deed, conveyance, or will, or to the same effect; and that every such deed, conveyance, and will, or probate of the same, of which such memorial is so to be registred, as aforesaid, shall be produced to the said register or his deputy, at the time of entring such memorial, who shall indorse a certificate on every such deed, conveyance, and will, or probate thereof, and therein mention the certain day, hour, and time on which such memorial is so entred and registred, expressing also in what book, page, and number the same is entred, and that the said register, or his deputy, shall sign the said certificate when so indorsed; which certificates shall be taken and allowed as evidence of such respective registries in all courts of record whatsoever; and that every page of such register books, and every memorial that shall be entred therein, shall be numbred, and the day of the month, and the year, and hour, or time of the day, when every memorial is registred, shall be entred in the margins of the said register books, and of the said memorial; and that every such register shall keep an alphabetical calendar of all parishes, extraparochial places, and townships within the said *West riding*, with reference to the number of every memorial that concerns the honors, manors, lands, tenements, or hereditaments, in every such parish, extraparochial place, or township respectively, and of the names of the parties mentioned in such memorial; and that such register shall duly file every such memorial in order of time, as the same shall be brought to the said office, and enter or register the said memorials

rials in the same order that they shall respectively come to his hand.

IX. And be it further enacted, That every such register, before he enter upon the execution of the said office, shall be sworn before the justices of the peace for the said *riding*, or any three or more of them that shall be present at his election (who are hereby impowered and required to administer such oath) in these words :

YOU shall truly and faithfully perform and execute the office and duty that is directed and required by act of parliament, in registering memorials of deeds, conveyances, and wills, within the West riding of the county of York, so long as you shall continue in the said office ; and that you have not given nor promised, directly nor indirectly, nor authorized any person to give or promise any money, gratuity, or reward whatsoever, for procuring or obtaining the said office for you :

So help you GOD.

X. And that when and as often as the said register shall appoint any deputy to execute the said office, such deputy shall, before he enter upon the execution thereof, take the said oath appointed to be taken by the register, before two or more justices of the peace for the said *riding*, who are hereby impowered and required to administer such oath ; and that every register, at the time of his being sworn into the said office, shall also enter into a recognizance with two or more sufficient sureties, to be approved of by five or more of the justices of the peace of the said *riding* that were present at his said election, by writing under their hands and seals, to be registred at the next general quarter sessions of the peace for the said *riding*, of the penalty of two thousand pounds unto her Majesty, her heirs and successors, to be taken by the same justices of the peace that approved of his security, conditioned for his true and faithful performance of his duty in the execution of his said office : The same to be transmitted by the same justices of the peace, within one month next after the date thereof, into the office of her Majesty's remembrancer of the Exchequer, there to remain amongst the records of the said court.

XI. Provided nevertheless, and be it further enacted by the authority aforesaid, That when any register shall die, or surrender his office, and that within the space of three years, from and after such death or surrender, no misbehaviour appear to have been committed by such register, in the execution of his said office, then and in such case, at the end of the said three years after his death or surrender, the said recognizance, so entered into by him, shall become void and of no effect, to all intents and purposes whatsoever.

XII. And be it further enacted by the authority aforesaid, That every such register, or his sufficient deputy, shall give due attendance at his office every day in the week (except Sundays

and holidays) between the hours of nine and twelve in the forenoon, and the hours of two and five in the afternoon, for the dispatch of all business belonging to the said office; and that every such register or his deputy, as often as required, shall make searches concerning all memorials that are registred, as aforesaid, and give certificates concerning the same under his hand, if required by any person.

Allowances
for entering
memorials,

and for certi-
ficates.

Penalty on
register, &c.

Treble da-
mages.

Person nomi-
nated on death
of register to
execute the
office (while
vacant) to
take the same
oath as regi-
ster.

Treble da-
mages.

Act not to ex-
tend to copy-
hold or lease-
hold estates.

XIII. And be it further enacted by the authority aforesaid, That every such register shall be allowed for the entry of every such memorial, as is by this act directed, the sum of one shilling, and no more, in case the same do not exceed two hundred words; but if such memorial shall exceed two hundred words, then after the rate and proportion of six pence an hundred, for all the words contained in such memorial, over and above the first two hundred words: and the like fees for the like number of words, contained in every certificate or copy given out of the said office, and no more, and for every search in the said office one shilling, and no more.

XIV. And be it further enacted by the authority aforesaid, That if any such register or his deputy shall neglect to perform his or their duty in the execution of the said office, according to the rules and directions in this act mentioned, or commit, or suffer to be committed, any undue or fraudulent practice in the execution of the said office, and be thereof lawfully convicted, that then such register shall forfeit his said office, and pay treble damages with full costs of suit to every such person or persons as shall be injured thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law shall be allowed, nor any more than one imparlance.

XV. And be it further enacted, That the person to be nominated, as aforesaid, upon the death of any register, to execute the said office, during the time the same shall be vacant, as aforesaid, shall, before he enter upon the execution thereof, take the oath herein before appointed to be taken by such register, and his deputy, before two or more justices of the peace for the said *riding* (who are hereby impowered to administer the same oath) and that if such person, so nominated, shall be lawfully convicted of any neglect, misdemeanor, or fraudulent practice in the execution of the said office, during such vacancy, he shall be liable to pay treble damages, with full costs of suit, to every person that shall be injured thereby, to be recovered as aforesaid.

XVI. Provided also, and be it further enacted, That this act shall not extend to any copyhold estates, or to any leases at a rack rent, or to any lease not exceeding one and twenty years, where the actual possession and occupation goeth along with the lease; any thing in this act contained to the contrary thereof in any wise notwithstanding.

XVII. Pro-

XVII. Provided always, and be it further enacted, That where there are more writings than one, for making and perfecting any conveyance or security, which do name, mention, or any ways affect or concern the same honours, manors, lands, tenements, or hereditaments, it shall be a sufficient memorial, and register thereof if all the said honours, manors, lands, tenements, and hereditaments, and the parishes, townships, hamlets, or extraparochial places, where the same lie, be only once named or mentioned in the memorial, register, and certificate of any one of the deeds or writings, made for the perfecting of such conveyance or security; and that the dates of the rest of the said deeds or writings, relating to the said conveyance or security, with the names and additions of the parties and witnesses, and the places of their abodes, be only set down in the memorials, registers, and certificates of the same, with a reference to the deed or writing whereof the memorial is so registered, that contains or expresses the parcels mentioned in all the said deeds, and directions how to find the registering the same.

XVIII. And be it further enacted by the authority aforesaid, That a memorial of such deeds, conveyances, and wills, as shall be made and executed or published in *London*, or in any other place not within forty miles of the said *West riding*, which do or may concern or affect any honours, manors, lands, tenements, or hereditaments in the said *West riding*, shall be entered or registered by the aforesaid register or his deputy, in case an affidavit sworn before any one of the judges at *Westminster*, or a master in *Chancery*, be brought with the said memorial to the said register or his deputy, wherein one of the witnesses to the execution of such deeds and conveyances shall swear he or she saw the same executed, and the memorial signed and sealed as above said, or wherein one of the witnesses to the memorial of any will shall swear he or she saw such memorial signed and sealed as above said; and the same shall be a sufficient authority to the said register, or his deputy, to give the party that brings such memorial and affidavit, a certificate of the registering such memorial; which certificate, signed by the said register or his deputy, shall be taken and allowed as evidence of the registries of the same memorials in all courts of record whatsoever; any thing in this act to the contrary thereof contained in any wise notwithstanding.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any such memorial or certificate as are herein before mentioned and directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties as in and by an act of parliament made in the fifth year of the reign of Queen *Elizabeth*, intituled, *An act against forgers of false deeds and writings*, are imposed upon persons for forging or publishing of false deeds, charters, or writings sealed, court rolls, or wills, whereby the freehold or inheritance of any person or persons of, in, or to any lands, tenements, or

Manors, lands, &c. to be but once named in the memorial, &c. where there are more writings than one for making the conveyance, &c.

A memorial of deeds, &c. made in London, &c. which concern any lands in the west riding, may be registered on affidavit.

Register to give certificate thereupon.

Penalty on forging or counterfeiting memorials or certificates.

5 Eliz. c. 14.

Penalty on person for-swearing himself.

hereditaments, shall or may be molested, troubled, or charged; and that if any person or persons shall at any time forswear himself before the said register, or his deputy, or before any judge or master in Chancery, in any of the cases aforesaid, and be thereof lawfully convicted, such person or persons shall incur and be liable to the same penalties, as if the same oath had been made in any of the courts of record at *Westminster*.

Memorials of wills entred in 6 months after death of devisor, dying in England, &c. or in 3 years after death of devi- sor dying be- yond sea, to be valid.

XX. Provided always, and it is hereby enacted, That all memorials of wills that shall be registred in manner as aforesaid, within the space of six months after the death of every respect- ive devisor or testatrix, dying within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, or with- in the space of three years after the death of every respective devi- sor or testatrix, dying upon or in any parts beyond the seas, shall be as valid and effectual against subiequent purchasers, as if the same had been registred immediately after the death of such respective devisor or testatrix; any thing herein contained to the contrary thereof in any wise notwithstanding.

Proviso in case of wills con- tested.

XXI. Provided always, that in case the devisee, or person or persons interested in the honours, manors, lands, tenements, or hereditaments, devised by any such will, as aforesaid, by reason of the contesting such will, or other inevitable difficulty, without his, her, or their wilful neglect or default, shall be disabled to exhibit a memorial for the registry thereof, within the respective times herein before limited, then and in such case the registry of the memorial, within the space of six months next after his, her, or their attainment of such will, or a probate thereof, or removal of the impediment, whereby he, she, or they are disabled or hindered to exhibit such memorial, shall be a sufficient registry within the meaning of this act; any thing herein contained to the contrary thereof in any wise not- withstanding.

No member of parliament to be chosen reg- ister; or reg- ister to be chosen a mem- ber of parlia- ment.

XXII. And be it further enacted by the authority aforesaid, That no member of parliament, for the time being, shall be capable of being chosen register, or of executing, by himself or any other person, the said office, or have, take, or receive any fee or other profit whatsoever, for or in respect thereof; nor shall any register, or his deputy, for the time being, be ca- pable of being chosen a member to serve in parliament.

Publick act.

XXIII. And be it further enacted, That this act shall be taken and allowed in all courts within this kingdom as a pub- lick act; and all judges and justices are hereby required as such to take notice thereof, without special pleading the same,

CAP. V.

An act to repeal a proviso in an act of the fourth year of the reign of King William and Queen Mary, which prevents the citizens of the city of York from disposing of their personal estates by their wills, as others inhabiting within the province of York by that act may do.

WHEREAS by an act made and passed in the fourth year of the ^{W. & M.} reign of their late majesties King William and Queen Mary, ^{c. 2.}

intituled, An act that the inhabitants of the province of York may dispose of their personal estates by their wills, notwithstanding the custom of that province: in which act there is a proviso, that nothing in the said act contained should extend or be construed to extend to the citizens of the cities of York and Chester, who were or should be freemen of the said respective cities, inhabiting therein; or within the suburbs thereof, at the time of their death: but that every such citizen's widow and children should and might have and enjoy such reasonable part and proportion of the testator's personal estate, as she or they might or ought to have had by the custom of the province of York, before the making of the said act: and whereas notwithstanding the mayor and commonalty, on behalf of the inhabitants of the said city of York, have humbly desired that the said proviso may be repealed, so that the freemen of the said city may have the benefit of the said act of parliament, as well as all other persons inhabiting within the said province; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in parliament assembled, and by the authority of the same, That from and after the six and twentieth day of *March*, in the year of our Lord one thousand seven hundred and four, the said proviso, so far as the same concerns the citizens of the city of York, shall be repealed and is hereby repealed and made null and void, so that from thenceforth it shall and may be lawful for all and every the citizens of the said city of York, who are or shall be freemen of the said city, inhabiting therein, or within the suburbs thereof, at the time of their death, by their last wills and testaments, to give, bequeath, and dispose of their goods, chattles, debts, and other personal estates, to their executor or executors, or to such other person or persons as the said testator or testators shall think fit, as any other person or persons inhabiting or residing within the said province of York may lawfully do by virtue of the said act: and that from and after the said six and twentieth day of *March*, the widows, children, and other kindred of such testator or testators, shall be barred to claim or demand any part of the goods, chattles, or other personal estate of the testator or testators, in any other manner, than as by the said last wills and testaments is limited and appointed; any thing in the said act, or any other law, statute, or usage to the contrary in any wise notwithstanding.

Freemen of York may dispose of their personal estates by will.

Widows or children barred from claim, otherwise than by testator's will.

II. Provided, and be it enacted, That this act shall be taken Publick act. and allowed in all courts within this kingdom as a publick act;

and all judges and justices are required as such to take notice thereof without special pleading the same.

CAP. VI.

An act for the increase of seamen, and better encouragement of navigation, and security of the coal trade.

WHEREAS the giving due encouragement to such of the youth of this kingdom, as shall voluntarily betake themselves to the sea service, and practice of navigation, and obliging others, who, by reason of their own or their parents poverty, are destitute of employment, or any lawful means whereby to maintain themselves, may greatly tend to the increase of able and experienced mariners and seamen, for the service of her Majesty's royal navy, and for the carrying on the trade and commerce of this kingdom; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and four, it shall and may be lawful to and for two or more justices of the peace, in their severall and respective counties, ridings, or divisions, as also to and for all mayors, aldermen, bailiffs, and other chief officers and magistrates of any city, borough, or town corporate, within her Majesty's kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, and likewise to and for the churchwardens and overseers of the poor (for the time being) of the severall and respective parishes within the places aforesaid, by and with the consent and approbation of such justices of the peace, mayors, aldermen, bailiffs, or other the chief officers or magistrates aforesaid, to bind and put out any boy or boys, who is, are, or shall be of the age of ten years, or upwards, or who is, are, or shall be chargeable, or whose parents are or shall become chargeable to the respective parish or parishes wherein they inhabit, or who shall beg for alms, to be apprentice and apprentices to the sea service, to any of her Majesty's subjects, being masters or owners of any ship or vessel used in sea service, and belonging to any port or ports within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed* aforesaid, for so long time, and until such boys shall respectively attain or come to the age of one and twenty years; and such binding out any such apprentice shall be as effectual in the law, to all intents and purposes, as if such boy were of full age, and by indenture had bound himself an apprentice: and to the end that the time of the continuance of the service of such apprentice or apprentices may the more plainly and certainly appear, the age of every such boy, so to be bound apprentice, shall be mentioned and inserted in his indentures, being taken truly from a copy of the entry in the register book, wherein the time of his being baptized is or shall be entred (where the same can or may be had) which copy shall be given and attested by the minister, vicar, or curate of such parish

Parish boys may be put out apprentices to the sea service,

to masters of ships, &c.

Boys age to be inserted in his indenture, &c.

parish or parishes, wherein such boys baptism shall be registred, without fee or reward, and may be writ upon paper or parchment without any stamp or mark; and where no such entry of such boys being baptized can be found, two or more of such justices of the peace, and such mayors, aldermen, bailiffs, or other chief officers shall, as fully as they can, inform themselves of such boy's age, and from such information shall insert the same in the said indentures; and the age of such boy so inserted and mentioned in the said indentures (in relation to the continuance of his service) shall be taken to be his true age, without any further proof thereof.

II. And be it further enacted by the authority aforesaid, That the churchwardens and overseers of the poor for the time being, of the severall and respective parishes, from whence any such boy shall be bound apprentice to the said service, as aforesaid, shall pay down to such master, to whom the boy is bound, at the time of his binding, the sum of fifty shillings, to provide necessary cloathing and bedding for sea service, for such boy; and the charges by this act appointed shall be allowed to the said churchwardens and overseers on their accounts.

III. And whereas in many large parishes within this realm, there are severall townships or villages, and overseers of the poor are chosen and appointed within and for each such township or village respectively; be it therefore enacted, That the overseers of the poor of every such township or village shall and may, from time to time, within every such township or village, do, perform, and execute all and every the acts, powers, and authorities hereby enacted or directed to be done, performed, or executed by the churchwardens or overseers of the poor of a parish; any thing herein contained to the contrary in any wise notwithstanding.

IV. And be it further enacted by the authority aforesaid, That no such apprentice or apprentices shall be compelled, or impressed, or permitted or suffered to lift or enter him or themselves into her Majesty's service at sea, or enter into the sea service of her Majesty's heirs or successors, till such apprentice or apprentices respectively arrive to the age of eighteen years.

V. And be it further enacted, That the churchwardens and overseers of the parish, out of which any such boy shall be bound an apprentice, shall send the said indentures to the collector of her Majesty's customs, residing at or belonging to any port or ports within this kingdom of England, dominion of Wales, and town of Berwick upon Tweed, whereunto such masters or owners of ships or vessels, to whom such apprentice or apprentices shall be bound, do or may belong; who shall, in a fair book or books to be by him kept for that purpose, fairly enter, from time to time, all and every indenture and indentures, whereby such apprentice and apprentices shall be bound, and which shall be so sent unto him, and shall make an indorsement upon the said indentures of the registry thereof, subscribed by the said collector, without taking any fee or other reward for the same: and every such collector neglecting or refusing

Churchwardens to pay down 50s. for boys necessary cloathing, &c. and be allowed the same in their accounts.

Overseers of the poor of any township or village may act as churchwardens.

No such apprentice to be impressed, &c. until 18 years old.

Apprentices indentures to be sent to the collector at the port whereunto his master belong.

Collector to enter the same gratis, &c.

Penalty on collector neglecting.

Lord admiral to grant protections for such apprentices, gratis.

fusing to enter such indentures, and indorse the same, or making false entries, shall forfeit the sum of five pounds for the use of the poor of the parish, from whence such boy was bound apprentice: and all and every such collector or collectors, or his or their lawful deputy or deputies, of the said several and respective ports, shall from time to time transmit certificates in writing, under his or their hands, to the lord high admiral of *England*, or to the commissioners of the admiralty for the time being, containing the names and ages of every such apprentice respectively, and to what ship he belongs; and upon receipt of such certificates, protections shall, from time to time, be made and given for such apprentices, till they attain their several and respective ages of eighteen years, without any fee or reward to be taken for the same; which certificates, so as aforesaid to be given, are not required to be writ upon stamp paper or parchment.

43 Eliz. c. 2.

Parish boys bound apprentices, may be turned over to the sea service.

Indentures of assignment to be registred. Altered by 4 Annæ, c. 19. f. 16.

All such apprentices until 18 years old exempted from the 6d. per month to Greenwich hospital.

VI. And be it further enacted by the authority aforesaid, That all and every the person and persons, to whom any poor parish boy hath been, or hereafter shall be, put apprentice, according to the statute made in the forty third year of the reign of *Queen Elizabeth*, may, with the consent and approbation of two or more justices of the peace of the same county, and dwelling in or near the same parish, where such poor boy was bound apprentice, or by and with the consent and approbation of any mayor, alderman, bailiff, or other chief officer or magistrate of any city, borough, or town corporate, where such poor boy was bound apprentice, at the request of the master or mistress, then living, of such apprentices, or his or their executors, administrators, or assigns, by indenture, assign and turn over such poor boy apprentice to any master or owner of any such ship or vessel, using the sea service, as aforesaid, for and during the then remaining time of his apprenticeship; which assignment and assignments of such apprentices, so as aforesaid, shall be, and are hereby declared to be good and effectual in the law: all which indentures of assignment are hereby directed to be registred, and certificates thereof given and transmitted by such collector, at the said several ports where such parish apprentices shall be so assigned over, and bound to the sea service, in manner and form aforesaid; and upon receipt of such certificates, protections shall, from time to time, be made and given for such apprentices (so to be assigned over, as aforesaid) till they shall attain their several and respective ages of eighteen years, without fee or reward for the same, in like manner as aforesaid.

VII. And be it further enacted by the authority aforesaid, That all and singular such poor boys as are herein before-mentioned, or intended by this act to be bound and put out, and such as shall be assigned over to the sea service, as aforesaid, during their several and respective apprenticeships, till such time as they shall attain their several and respective ages of eighteen years, shall be, and are hereby declared to be exempt-

ed, freed, and discharged of and from payment of six pence *See 2 Geo. 2. per month towards the better supporting of Greenwich Hospital,* c. 7. f. 36. the act of parliament made in the seventh and eighth years of *7 & 8 W. 3. c. 21.* the reign of the late King *William* the Third (of glorious memory) intituled, *An act for the increase and encouragement of seamen,* or any clause in the same contained to the contrary hereof in any wise notwithstanding.

VIII. And for the better providing such apprentices with *Masters of ships, &c.* masters for the said service; be it further enacted by the authority aforesaid, That all and every of her Majesty's subjects, *obliged to take such apprentices.* being masters or owners of any ship or ships, vessel or vessels, used in the sea service, as aforesaid, of the burthen of thirty tun to the burthen of fifty tun, be obliged to take one such *By 4 Annæ c. 19. sect. 16. no master shall be bound to take a boy under 13 years of age, &c.* apprentice, and one more for the next fifty tun, and one more for each and every hundred tun, such ship or vessel shall exceed the burthen of one hundred tun: and such master or owner of any ship or vessel, refusing to take such apprentice or apprentices, as aforesaid, shall forfeit the sum of ten pounds for the use of the poor of the parish from whence such boy was bound apprentice.

IX. And be it further enacted, That every master or owner of such ship or ships, vessel or vessels, so obliged to take such apprentice or apprentices, after his arrival into any port or ports aforesaid, and before he clears out of such port, shall give an account in writing, under his hand, to the collector of such port to which he belongs, containing the names and numbers of such apprentices as are then remaining in his service. *and to give an account of their names, &c.*

X. And for the better conveying and conducting all and every such apprentice and apprentices, so to be bound, as aforesaid, to his or their respective master and masters; be it further enacted by the authority aforesaid, That all and every such apprentice and apprentices shall, from time to time, be severally and respectively sent, conducted, and conveyed to the several and respective ports, to which his or their master shall respectively belong, by the churchwardens and overseers of the poor, or their agents, of the parish from whence such apprentice is bound, and the charges thereof to be in the same manner, as it is provided by an act of parliament made in the eleventh and twelfth years of the reign of his said late majesty King *William* the Third, *How apprentices shall be conveyed to the ports to which their masters belong.* intituled, *An act for the more effectual punishment of vagrants, and sending them whither by law they ought to be sent.* *21 & 22 W. 3. c. 18.*

XI. And it is hereby directed, That the counterpart of all and every such indentures, to be executed by the several and respective masters of all such apprentices, shall be sealed and executed in the presence of, and attested by, the collector at the port aforesaid, (where such apprentices shall be bound or assigned over) and the constable or other officer, who shall bring or convey such apprentices to the said several and respective masters; which constables or officers last mentioned shall transmit and convey the counterparts of such indentures to the churchwardens and overseers of the several parishes from whence *The counterparts of their indentures to be transmittted to the churchwardens, &c.* such

such apprentices shall be bound, by the same ways and means as such apprentice or apprentices were conveyed to the said several and respective ports.

Justices to determine complaints between masters and apprentices.

XII. And be it further enacted by the authority aforesaid, That two or more justices of the peace of the respective counties, and dwelling in or near any of the ports aforesaid, and all mayors, aldermen, bailiffs, and other chief officers and magistrates of any city, borough, or town corporate, in or near adjoining to such port or ports, to which such ship or vessel shall at any time arrive, shall have full power and authority, and are hereby authorized and impowered to inquire into, and examine, hear, and determine all complaints of hard or ill usage from the several and respective masters, to such their apprentice or apprentices, so to be bound or assigned over, as aforesaid, and also of all such as already have, or who shall at any time hereafter voluntarily put themselves apprentice to the sea service, as aforesaid, and to make such orders therein, as now they are enabled by law to do in other cases between masters and apprentices.

Collector to keep a register, &c.

XIII. And be it further enacted by the authority aforesaid, That every such collector in every port or ports aforesaid, shall, in their several and respective stations, keep an exact register, containing as well the number and burthen of all such ships and vessels, together with the masters or owners names, as also the names of such apprentices in each ship and vessel belonging to their respective ports, and from what parishes and places such apprentices were respectively sent; and that such collectors shall transmit true copies of such register, signed by them, to the quarter sessions, or to such cities, boroughs, towns corporate, parishes, or places, when and so often as they shall be reasonably required so to do; for which copy or copies, so to be transmitted as aforesaid, no fee or reward shall be taken: and that every such collector refusing or wilfully neglecting to transmit such copies, as aforesaid, shall for every such refusal or neglect forfeit five pounds for the use of the poor of the parish, from whence such boy was bound apprentice.

and transmit a copy thereof to the quarter sessions, &c. gratis.

Penalty.

Officer to insert on the cocquet, the number of men and boys on board, &c.

XIV. And be it further enacted, That every custom-house officer or officers, at each and every of the ports aforesaid, shall insert, and are hereby required from time to time, to insert at the bottom of their cocquets, the number of men and boys on board the respective ships or vessels, at their going out of every such port, therein particularly describing the apprentices by their respective names, ages, and the dates of their several indentures, for which no fee or reward shall be taken.

Persons voluntarily binding themselves apprentices to sea service, not to be im-

XV. And for the encouragement of all such as have, or shall voluntarily bind themselves apprentices to the sea service; be it further enacted by the authority aforesaid, That all and every such person and persons, who have or shall so voluntarily, and of his or their own accord, bind or put him or themselves apprentice to any such masters or owners of any ship or vessel, as aforesaid, shall not be compelled or impressed into her Majesty's

sea service, or the sea service of her Majesty's heirs or successors, for and during the term of three years, to be accounted from the dates of the respective indentures of such voluntary apprentice or apprentices; all which indentures are hereby directed to be registred, and certificates thereof given and transmitted by such collector at the said several ports, where such apprentices already have become so bound, or that hereafter shall so bind themselves, in manner and form as aforesaid; upon receipt of which said several certificates, protections shall, from time to time, be made and given, for the said first three years of their several respective apprenticeships, without either fee or reward for the same.

XVI. *And forasmuch as divers dissolute and idle persons, rogues, vagabonds and sturdy beggars, notwithstanding the many good and wholesome laws to the contrary, do continue to wander up and down, pilfering and begging through all parts of this kingdom, to the great disturbance of the peace and tranquility of the realm; for the more effectually suppressing such disorderly persons, and to the end that they may be made serviceable and beneficial to their country; be it further enacted by the authority aforesaid, That all lewd and disorderly men servants, and every such person and persons, both men and boys, that are deemed and adjudged rogues, vagabonds, and sturdy beggars (not being felons) by an act of parliament made in the nine and thirtieth year of the reign of the said late Queen Elizabeth, for punishing of rogues, vagabonds, and sturdy beggars, shall be and are hereby directed to be taken up, sent, conducted, and conveyed into her Majesty's service at sea, or the service at sea of her Majesty's heirs or successors, by such ways, methods, and means, and in such manner and form, as is directed for vagrants by the said before-mentioned act of parliament, made in the said eleventh and twelfth years of the reign of the said late King William the Third, For the more effectual punishment of vagrants, and sending them whither by law they ought to be sent.*

XVII. *And whereas owners and masters of merchant ships are at great charge in educating and bringing up the parish children, till they come to the age of eighteen years, and other voluntary apprentices three years, at which time they are capable to serve in her Majesty's ships of war; be it enacted by the authority aforesaid, When such apprentices shall be impressed, or voluntarily enter themselves into her Majesty's service, the said owners or masters of such apprentices, their executors, administrators, or assigns, shall be intitled to able seamens wages for such of their apprentices, as shall upon due examination be found qualified for the same, notwithstanding their indentures of apprenticeship.*

XVIII. *And be it further enacted by the authority aforesaid, That all the penalties and forfeitures directed by this act, shall, by warrant under the hands and seals of any two or more justices of the peace, of the same county, city, borough or town corporate, be levied by distress and sale of the goods and chattles of the offender, which sale shall be good in the law against such offender.*

pressed for 3 years.

Explained by 4 Annæ, c. 19. sect. 17.

Indentures to be registred, and protections given for the said 3 years.

All lewd and disorderly men and boys, deemed vagabonds or sturdy beggars, by 39 Eliz. c. 4. to be taken up and conveyed into the Queen's sea service.

11 & 12 W. 3. c. 18.

When such apprentices shall be impressed, masters to have able seamens wages for them. Penalties and forfeitures, how to be levied.

7 & 8 W. 3.
c. 21.

8 & 9 W. 3.
c. 25.

Lord admiral
to appoint any
disabled sea-
men, their
wives and
children, &c.
to be main-
tained in
Greenwich
hospital.

XIX. *And whereas upon the act of parliament, before mentioned, made in the seventh and eighth years of the reign of the said late King William the Third, intituled, An act for the increase and encouragement of seamen; as also upon the act of parliament made in the eighth and ninth years of the reign of the said late King William the Third, intituled, An act to enforce the act for the encouragement of seamen, several doubts have arose whether any disabled seamen, their children, or the widows and children of seamen slain, killed, or drowned in sea service, other than such as are expressly qualified by the said last mentioned acts, may be admitted and provided for in Greenwich hospital, when any vacancies happen therein; be it therefore enacted, for the encouragement of all persons who do or shall serve at sea, That at any time hereafter, when any such vacancy or vacancies shall happen in the said hospital, that the lord high admiral of England, or commissioners executing the office of lord high admiral of England for the time being, shall have full power and authority, and is and are hereby impowered and authorized, from time to time, to nominate and appoint any disabled seamen, their wives and children, and the widows and children of seamen slain, killed, or drowned in sea service, to be maintained and provided for in the said hospital, as the said lord high admiral, or commissioners executing the office of lord high admiral, shall think fit or see occasion; any thing in the said two several acts of parliament last mentioned, or in the letters patents in the said acts mentioned, contained to the contrary hereof in any wise notwithstanding.*

Allowances of
men free from
impressing im-
ployed in the
coal trade.

5 & 6 W. & M.
c. 10.

Penalty on
officer im-
pressing men
so allowed.

XX. *And for the encouraging all such ships or vessels as shall be employed in bringing coals for supplying the city of London, and other ports of this kingdom, at more reasonable rates than during this war they have hitherto been; be it enacted by the authority aforesaid, That from after the five and twentieth day of March, one thousand seven hundred and four, there shall be allowed yearly, during the present war, free from impressing, to every master of any ship or vessel employed in the coal trade, beside the said master and master's mate, and carpenter, one able seaman for every hundred tun in burthen, not exceeding three hundred tuns, that such ship or vessel contains, which shall be made appear by a certificate from the custom-house, of what number of tuns such ship or vessel is really of, according to the gages or measures mentioned in an act passed in the fifth and sixth year of their late majesties King William and Queen Mary, For laying a duty on tunnage of shipping; and if any captain, lieutenant, or other officer, shall presume to impress or take any of the men allowed by this act, as aforesaid, such captain, lieutenant, or other officer, shall forfeit to the master or owner of such ship or vessel, ten pounds for every man he shall so impress or take, to be recovered with costs of suit, by action of debt, bill, plaint, or information, in any of her Majesty's courts of record, wherein no essoin, protection, privilege, injunction, or order of restraint, shall be in any wise granted or allowed.*

CAP. VII.

An act for enlarging the term of years granted by an act passed in the session of parliament, held in the eleventh and twelfth years of King William the Third, for repair of Dover harbour.

11 & 12 W. 3. c. 5. for the repair of Dover harbour, continued from 1709. to 1718. *Continued by* 9 Geo. 1. c. 30. sect. 1. to May 1744. Penalty on ship sailing in or through the gates of the works without first taking down her sails. No lullage to be thrown into the basin of the harbour. *Continued by* 11 Geo. 2. c. 7. for 21 years.

CAP. VIII.

An act for erecting a work-house in the city of Worcester, and setting the poor on work there.

A corporation to be for ever in the city of Worcester, to consist of the persons hereafter expressed. How the elections shall be made. Ministers to give notice in the church of the day and time of election. Benefactor may be elected a member for one year. In case of death of any person elected, a new election to be made. In case of deficiency in any parish of fit persons to be chose guardians, the same may be elected out of any other parish. The guardians of the poor of the city of Worcester made for ever a body politick, and may purchase lands. Officers to be elected yearly. No officer compelled to serve longer than two years. Treasurer to continue but for one year. Guardians may be displaced on just cause. A court to be held yearly the first Thursday in every month. Eleven of the guardians to constitute a court. The governor may at any time hold a court; and at the desire of ten of the guardians an extraordinary assembly may be held. The court may summon the inhabitants to appear before them. Guardians may appoint a common seal, make by-laws, constitute committees, and settle one or more hospital, work-house, &c. Guardians to provide materials for setting the poor to work, and compel beggars, &c. to work in such work-house; and all persons sent into houses of correction; and poor children, &c. until fifteen years old; and then bind them apprentices for seven years. Guardians may punish persons in the work-house not conforming to the rules thereof. A committee of five guardians to be appointed for punishing offenders. Court to ascertain the sums needful for settling such hospital or work-house, &c. to be raised in two years; and to ascertain the weekly sums for the maintenance and employment of the poor of the hospital, &c. assess the said sums in equal proportion, and certify the same to the mayor and aldermen, &c. Persons unequally assessed may appeal. In case mayor, &c. neglect to issue out warrants for levying the assessments, &c. Corporation may do the same. Corporation to provide for maintenance of the poor of the city, &c. except the poor otherwise provided for. Corporation may examine churchwardens, &c. on oath, grant warrants to apprehend rogues, vagabonds, &c. and cause them to be set to work for 6 months. The corporation not to have any power over any alms-house, &c. in the said city, &c. Court may choose a clerk, and other officers, and servants needful; and on death or removal choose others, and allow them out of the stock. Treasurer to account yearly, and deliver over what shall be in his hands to the succeeding treasurer. No person to be elected a guardian, unless he pay 6d. a week to the poor. Corporation may contract with any parish in the county for employing their poor, &c. Continuance of any poor persons in the work-house not to be deemed a settlement. Election of all officers, except guardians to be by ballot. No cloth or stuff manufactured in the work-house, to be sold by retail in Worcester city. But may be employed for cloathing the poor of the corporation.

C A P. IX.

An act for granting to her Majesty an additional subsidy of tunnage and poundage for three years; and for laying a further duty upon French wines condemned as lawful prize, and for ascertaining the values of unrated goods imported from the East Indies.

Most gracious Sovereign,

9 W. 3. c. 23.

WHEREAS by an act of parliament made and passed in the ninth year of the reign of his late majesty King William the Third, of glorious memory, intituled, An act for granting to his Majesty a further subsidy on tunnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life; it was enacted, That over and above all subsidies of tunnage and poundage, and over and above all additional duties, impositions, and other duties whatsoever, therein mentioned, there should be raised and paid to his Majesty one other subsidy called Tunnage, for and upon all wines, which from and after the last day of January, in the year of our Lord one thousand six hundred ninety nine, at any time or times, during his Majesty's life, should be imported or brought into the kingdom of England, dominion of Wales, or town of Berwick upon Tweed; and one further subsidy called Poundage, of all manner of goods and merchandizes imported or brought into this realm, or any his Majesty's dominions to the same belonging, at any time or times after the said last day of January, one thousand six hundred ninety nine, during his Majesty's life, by way of merchandize (except such goods and merchandizes as are therein excepted) and with such abatements, regulations, directions for making repayments or allowances upon exportation, and subject to such rules and other matters and things touching the said several subsidies, as in the said act are expressed; which said further subsidies of tonnage and poundage, and other duties upon wine, goods, and merchandizes, granted by the act above recited, are to be raised and paid to your Majesty, during your life, by virtue of another act of parliament made and passed in the first year of your Majesty's reign, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown, as by the said acts (relation being thereunto severally had) may more fully appear: Now we your Majesty's most dutiful and loyal subjects the commons of England, in parliament assembled, for the better enabling your Majesty to carry on the present war, and to defray your other necessary expences, do cheerfully and unanimously give and grant unto your most excellent Majesty, the additional rates, duties, and sums of money herein after-mentioned, and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled,

and

1 Annæ, stat. 1.
c. 7.

and by the authority of the same, That over and above the subsidies of tunnage and poundage above-mentioned, and over and above all other subsidies, additional duties, impositions, and payments whatsoever, by any other act or acts of parliament or otherwise however already due or payable, or which ought to be paid to her Majesty for or upon any wines, goods, or merchandizes whatsoever, imported or to be imported, there shall be raised, levied, collected, paid, and satisfied unto her Majesty one other subsidy called *Tunnage*, for and upon all wines which from and after the eighth day of *March*, in the year of our Lord one thousand seven hundred and three, at any time or times within or during the space of three years from thence next and immediately ensuing, shall be imported or brought into the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, that is to say, one third part of such or the like several and respective duties, as by the said recited acts, or either of them; are imposed or payable for or upon any kind of wine or wines respectively; and one other subsidy called *Poundage*, of all manner of goods and merchandizes to be imported or brought into this realm, or any her Majesty's dominions to the same belonging, at any time or times after the said eighth day of *March*, one thousand seven hundred and three, during the said term of three years, by way of merchandize; that is to say, one third part of such or the like several and respective duties, as by the said recited acts, or either of them, are imposed or payable for or upon the same goods and merchandizes respectively, except such goods and other merchandizes as by the said acts, or either of them, are exempted from payment of the subsidies thereby granted.

II. And it is hereby enacted, That in all cases where by the said former acts, or either of them, any drawbacks or abatements are to be made of the whole or any part of the duties thereby imposed. there shall be in the like cases proportionable drawbacks and abatements made of the whole or part of the duties by this act granted respectively; and that the several subsidies and duties by this act granted, during the continuance thereof, shall be raised, collected, levied, secured, and paid, by the same ways, means, and methods, and under such penalties and forfeitures, and subject to such rules and directions, as in and by the said acts, or either of them, are prescribed or appointed, touching or concerning the said subsidies of tunnage and poundage which were thereby granted, as aforesaid; and that every article, rule, and clause contained in the said recited acts, or either of them, concerning the said subsidies of tunnage and poundage formerly granted, as aforesaid, and now in force, so far forth as the same do or may relate to the subsidies or duties formerly granted, as aforesaid, shall be used, exercised, and put in practice for the raising, levying, collecting, and answering the subsidies and duties hereby before granted, as fully and effectually as if the same articles, rules, and clauses, and every of them, were again particularly and at large recited and re-enacted in the body of this present act: except only as to such of the said

One other subsidy of tunnage upon wines imported after 8 March, 1703. for 3 years. Farther continued by 4 Annæ. c. 6. 5 Annæ. c. 19. and perpetuated by 1 Geo. 1. stat. 2. c. 12. l. 8.

Poundage on all goods imported for 3 years. Altered as to tobacco by 9 Geo. 1. c. 21. l. 3.

Exceptions.

Drawbacks and abatements.

Duties how to be raised, &c.

9 & 10 W. 3. c. 23. 1 Annæ, stat. 1. c. 7.

Exception.

articles, rules, and clauses, touching which other provisions, alterations, or exemptions are made by any act or acts of parliament now in being; which other provisions, alterations or exemptions shall be observed with respect to the duties hereby granted, during the continuance of this act, in the same manner as they are to be observed with respect to the said subsidies formerly granted, as aforesaid.

Drawback on
sugar refined
in England,
exported,

III. And it is hereby further enacted and declared, That for every hundred weight of sugar refined in *England* (and so in proportion for a greater or lesser quantity) which shall be exported out of this kingdom, within or during the said term of three years, there shall be by this act repaid at the custom-house to the exporter, within one month after the demand thereof (over and above the sum of three shillings payable by the above recited acts, or one of them) the further sum of one shilling, and no more: oath being first made by the refiner, that the said sugar so exported was produced from brown and muscovado sugar, charged by this act, and that, as he verily believes, the same was imported from her Majesty's plantations in *America*; and that, as he verily believes, the duty of the said brown and muscovado sugar was duly paid at the time of the importation thereof, and that the same was duly exported, her Majesty's searcher also certifying the shipping thereof, and all other requisites duly performed, according to the book of rates.

over and a-
bove the 3 s.

No fee for en-
try, &c.

IV. And be it further enacted by the authority aforesaid, That the officers of her Majesty's customs, or any of them, or any of their clerks or substitutes, shall not directly or indirectly receive, take, or demand any fee, gratuity, or reward whatsoever, from any of her Majesty's subjects or aliens, for any entry, warrant, debenture, certificate, cocquet, or other matter or thing, to be done or performed by them, or any of them, in relation only to the said subsidies of tunnage and poundage herein before granted, on pain of forfeiting for every such offence the sum of forty pounds (to wit) one third thereof to her Majesty, and the other two thirds thereof (besides costs of suit) to the party grieved, who may sue for the same by action of debt, or of the case, bill, suit, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed.

Penalty 40 l.

V. And whereas all wines of the growth or product of France, or of any dominions under the French King, are by several laws and statutes of this realm liable to the payment of several duties upon the importation thereof, and particularly by an act of parliament made in the seventh year of the reign of his said late majesty King William the Third, intituled, An act for granting to his Majesty an additional duty upon all French goods and merchandizes; it was enacted (amongst other things) That for every tun of French wine imported within the time therein mentioned, there should be paid five and twenty pounds above the duties before charged thereupon; but by another act made in the eighth year of the same King's reign,

7 W. 3. c. 20.

intituled,

intituled, An act for granting to his Majesty a further subsidy of 8 W. 3. c. 24. tunnage and poundage upon merchandize imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against France, is was provided, That nothing in the said act of the seventh year of his said late Majesty's reign should charge any merchandizes of the growth of France, which should be bona fide seized or taken, and condemned as prize, with any further or other duties than what they were or ought to have been charged withal, before the making of the act last mentioned; and her Majesty by her royal proclamation, bearing date the first day of June, in the first year of her reign, for the encouragement of her ships of war and privateers, hath been pleased to subject all French wines (amongst other things) taken and condemned as lawful prize, to the payment of the duties and customs payable by law, other than the said duty of five and twenty pounds per tun: now her Majesty's said dutiful and loyal subjects the commons of England, in parliament assembled, being desirous to encourage the trade to Portugal, and also to raise monies for carrying on the present war, and other her Majesty's occasions, do further grant to her Majesty the additional duty, herein after-mentioned, upon all French wines to be taken and condemned, or adjudged as lawful prize; and do beseech your Majesty that it may be enacted: and be it enacted by the authority aforesaid, That for every tun of any wines of the growth or product of France, or of any dominions under the French King, seized or taken, or to be seized or taken by any her Majesty's ships, or by any privateers, or otherwise, and which at any time or times, during the term of three years above-mentioned, shall be condemned or adjudged as lawful prize, there shall be paid to her Majesty the sum of fifteen pounds of lawful English money, over and above the duties already charged thereupon, without deduction, and so proportionably for a greater or lesser quantity; the same to be raised, levied, collected, and paid to her Majesty's use, by such ways and means, and under such penalties and forfeitures, and in such manner and form, as the subsidy of wines by this act granted is to be raised, levied, collected, and paid, or by deducting the same out of the proceed of the respective prizes, as the other duties of the same wines are directed by the said proclamation to be deducted.

French wine taken as prize to pay 15 l. per tun, beside the former duties.

How to be raised, &c.

VI. And whereas several goods, wares, and merchandizes of the growth, product, or manufacture of the East Indies or China, or of other parts within the limits of the charters granted to the companies, and other traders who are allowed to trade to the East Indies, are not particularly rated in the book of rates established by law, but are by several laws and statutes now in force charged, upon the importation thereof, with several duties to be paid according to the values of the said goods, wares, and merchandizes respectively: now for the better securing such duties, and ascertaining the values, according to which such duties shall be paid for the future, it is hereby further enacted by the authority aforesaid, That from and after the said eighth day of March, one thousand seven

Unrated goods of East India and China, to be entered in the custom-house.

See 11 Geo. 1. c. 7.

Importer to give security for paying the duties, &c.

(except coffee)

and for exposing them to sale, &c.

How such goods shall be valued,

and what deductions and allowances made.

Such unrated goods landed before due entry, &c.

hundred and three, upon the importation of any such unrated goods, wares, and merchandizes, of the growth, product, or manufacture of the *East Indies, China*, or other the parts within the limits aforesaid, now liable to pay duties *ad valorem*, as aforesaid, by any act or acts of parliament already made in that behalf, during the continuance of the same act and acts of parliament, or any of them, an entry or entries thereof shall be made in the custom-house, where such goods, wares, or merchandizes shall be imported, and before the landing thereof, the importer or importers of the same shall give security by bond, with two or more sufficient sureties (which the commissioners or proper officers of the customs are hereby empowered to take) for payment of the said duties, according to the real values of the said goods, to be ascertained according to this act (except coffee, the duties whereof are to be regulated according to the former acts concerning the same) as soon as the said goods shall be sold; and also for exposing the goods, so imported to sale, openly and fairly by way of auction, or by inch of candle, within the city of *London*, within the time of twelve months after the importation thereof.

VII. And it is hereby enacted and declared, That the value of such goods, according to which the said duties are to be paid (except coffee, as aforesaid) shall be reckoned according to the gross price at which such goods shall be so sold, making such allowances only out of the same as are herein after mentioned; that is to say, it is hereby enacted, That out of the values of the said goods so to be ascertained by the price at the candle, as aforesaid, there shall be a deduction and allowance made of so much as the net duties, payable to her Majesty for the same goods respectively, do amount unto (except the duty of five pounds *per centum*, payable to the Queen for the use of the said companies) and so much as the respective companies, or traders aforesaid, shall *bona fide* allow for prompt payment to the persons who at such sales shall buy the said goods at time: and also upon the whole values of the said goods so to be ascertained by the price at the candle, there shall be deducted and allowed six pounds for every hundred pounds to the said companies and traders respectively, for their charges in keeping the said goods, from the time such goods are imported till the sale by the candle, and in that proportion for a greater or lesser value.

VIII. And be it further enacted by the authority aforesaid, That in case any such unrated goods of the growth, product, or manufacture of the *East Indies, China*, or other the parts within the limits aforesaid, shall be landed or put on shore out of any ship or vessel, before due entry thereof be made at the custom-house in the port or place where the same shall be imported, and the said duties shall be secured, as aforesaid, or without a warrant for the landing or delivering the same, first signed by the commissioners, collectors, or other proper officer or officers of the customs respectively, that all such imported goods as shall be so landed and put on shore, or taken out of any ship or ves-

fel, contrary to the true meaning hereof, or the value of the same, shall be forfeited, and shall and may be seized or recovered of the importer or proprietor thereof (to wit) two thirds of the same to the use of her Majesty, her heirs and successors (she or they bearing the charge of the prosecution) and the other third part to the use of such person or persons as will seize, inform, or sue for the same, or the value thereof, by action, bill, suit, or information, wherein no essoin, protection, or wager of law shall be allowed: nevertheless the said duties so to be paid upon the values so ascertained of the said unrated goods, wares, and merchandizes (except the necessary charges of raising, collecting, and answering the same) shall be applied and disposed to the same uses and purposes to which the respective duties upon the same goods, payable in any other manner by any former act or acts, were appropriated or applicable.

to be forfeited,
&c.

Duties how to
be applied.

IX. Provided always, and it is hereby enacted, That in all cases where by the said former acts concerning the said duties of unrated goods, or any of them, any drawbacks or allowances were to be made of all or any part of the duties, upon the exportation thereof within the respective time or times thereby limited, there shall be the like drawbacks or allowances made of or out of the duties of the same goods, to be ascertained by this act.

The like
drawbacks as
by former
acts.

X. Provided also, That nothing in this act shall extend, or be construed to extend to charge any goods or merchandize, chargeable by this act, imported into any port of this kingdom before the first day of *March*, one thousand seven hundred and three.

XI. Provided also, and be it enacted, That all persons importing any tobacco, hereby charged with any the duties aforesaid, shall have nine months time, from the entry of the tobacco inwards, for payment of the duty hereby imposed upon the same, giving bond, with sufficient sureties, to her Majesty for payment thereof at the end of the said nine months, as in like cases is usual; and in case of prompt payment the importer shall have a discount after the rate of six pounds *per centum per annum*.

Nine months
given for pay-
ing the duties
on tobacco.

6 per cent.
discount on
prompt pay-
ment.

XII. And for the encouragement of the iron manufacture of this kingdom; be it further enacted by the authority aforesaid, That from and after the eighth day of *March*, one thousand seven hundred and three, there shall not be allowed any drawback, or repayment of customs, or duties, charged in this or any former act, upon any wares made of wrought iron or steel in foreign parts, which shall be imported into this kingdom, and afterwards exported to any of her Majesty's plantations in *America*; any clause in this or any former act to the contrary notwithstanding.

No drawback
on wares
made of fo-
reign wrought
iron, &c.

XIII. And whereas the time for exportation of tobacco, sugar, ginger, pepper, bugles alias beads, cast and bar iron, dying wood, all dying wares, and all drugs, by English merchants, in order to draw back, is limited to twelve months, which by experience is found to be

each person's
due place and
order.

then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office; and in case the auditor of the receipt shall not direct, or the clerk of the pells record, or the teller make payment, according to each person's due place and order, as afore directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks herein offending to be liable to such action, debt, damages, and costs, in such manner, as afore said: all which said penalties, forfeitures, damages, and costs, to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no effoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

What shall not
be accounted
undue preference.

XVII. Provided always, and be it hereby declared, That if it happen that several tallies of loan or orders for payment, as afore said, bear date or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference, which of those be entred first, so as he enters them all the same day.

XVIII. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their monies and bring their orders, before other persons that did not come to take their monies, and bring their orders, in their course, so as there be so much money reserved, as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; interest upon loan being to cease from the time the money is so reserved, and kept in bank for them.

Orders assign-
able.

XIX. And be it further enacted, That all and every person and persons, to whom any money shall be due for loans, by virtue of this or the said former act, after order entered in the book of register, for either of the said acts, as afore said, his or their executors, administrators, or assigns, by indorsement of his order, may assign or transfer his right, title, interest, and benefit of such order, or any part thereof, to any other; which being notified in the office of the auditor of the receipt afore said, and an entry or memorial thereof also made in the proper book of registry afore said for orders, which the officers shall upon request, without fee or charge, accordingly make, shall intitle such assignee, his executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon: and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons, who have or hath made such assignments, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

Clause of ap-
propriation.

XX. And be it further enacted by the authority afore said, That all the monies which shall be lent to her Majesty, on the credit

credit of the said subsidy and additional duty by this act granted, and all the monies which are or shall be lent, contributed, or advanced to her Majesty, upon every or any other act or acts of this session of parliament, for granting any aid or supply to her Majesty, for carrying on the present war, and other her Majesty's necessary or important occasions, and so much of the several taxes and duties by this and the said other acts, or any of them granted, as shall remain (over and above such charges as are to be allowed for the raising of the said taxes and duties respectively, and over and above the monies thereof, which are in the first place to go and be applied in repayment and satisfaction of all the loans made or to be made thereupon, and upon any of them, and the interest thereof respectively) shall be appropriated, issued, and applied, and the same are hereby appropriated for or towards the several uses and purposes herein after expressed; that is to say, for or towards the defraying the charge of the ordinary of her Majesty's navy, and other services of the navy, and the victualling thereof, and the sea service in the office of the ordnance, performed and to be performed; and for or towards the land services, performed and to be performed by the said office of the ordnance; and to and for subsistence, off-reckonings, and clearings for one year, from the four and twentieth day of *December*, one thousand seven hundred and three, to her Majesty's guards and garrisons in *England*, and the dominions thereunto belonging (*Ireland* excepted) and the contingent charges of the same; and for or towards the defraying the charge of her Majesty's army, and such forces as are or shall be added thereunto in the *Low Countries*, within or for one year, to be reckoned from the said four and twentieth day of *December*, one thousand seven hundred and three, and the contingent charges thereunto belonging; and for or towards the defraying her Majesty's part of the charge of the forces acting or to act in conjunction with the forces of the King of *Portugal*, until the five and twentieth day of *December*, one thousand seven hundred and four; and for or towards the payment of her Majesty's proportion of the subsidies due, or to be due, upon treaties made, or to be made, with her Majesty's allies, and other charges for the service of the war, until the said five and twentieth day of *December*, one thousand seven hundred and four; and for and towards the payment of any sum, not exceeding five thousand pounds, for the support of the invalids; and for or towards the discharging of the *premiums*, and other charges for circulating the bills, commonly called *Exchequer Bills*; and for or towards the satisfaction of the sum, not exceeding eight hundred seventy five pounds, to be paid without account, and free of all taxes, as well for the salaries of the five commissioners appointed by act of parliament for stating the accounts of the army, transports, and prizes, during the last war, as for incident charges in the execution of their trust, for one quarter, ending the nine and twentieth day of *March*, one thousand seven hundred and four; and for or towards the

satisfaction

satisfaction of the sum of three thousand five hundred pounds for salaries, and any sum not exceeding two thousand five hundred pounds for incident charges, to be allowed without account, and free of all taxes, to the seven commissioners appointed by act of parliament for stating the accounts of all public monies, and to none other use, intent, or purpose whatsoever: provided always, That out of the monies to be issued to the guards and garrisons, as aforesaid, there shall and may be taken and applied, any sum not exceeding eighty seven thousand one hundred twenty five pounds, ten shillings, towards the charge of maintaining the soldiers, raised and to be raised for sea service, with their officers, and the contingent charges thereunto belonging: and out of the monies to be issued for the service of the navy and sea services, as aforesaid, there shall be taken and applied such sums, as, together with the said sum not exceeding eighty seven thousand one hundred twenty five pounds, ten shillings, shall be necessary for the charge of maintaining the said soldiers for sea service, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithstanding.

1 Annæ, stat. 1.
c. 13.

XXI. And whereas by an act of the first year of her Majesty's reign, intituled, An act for making good deficiencies, and for preserving the public credit, several tallies therein mentioned do amount to five thousand and seventeen pounds, nine shillings, one penny, and the orders thereupon for reversions of annuities were directed to be issued to discharge such off-reckonings for slabbing, as were become due before the last day of December, one thousand six hundred ninety seven, which off-reckonings being otherwise satisfied, the said tallies and orders do still remain in the hands of the late paymaster general of the army; and by the act last mentioned it was provided, That such person or persons as should receive such debentures payable out of the forfeited estates in Ireland, as are thereby directed, for monies due to any troops or companies (over and above what was due for the personal pay of the commission officers) should give security to the paymaster general of double the value thereof, and at the end of twelve months should return unto the said paymaster an account upon oath, of all the debentures by him or them issued in pursuance of that act, and returning back to the hands of the said paymaster such debentures as should remain not issued out to the end of the said twelve months; in pursuance whereof several of the said debentures have been returned, and others of them ought to be returned to the hands of the late paymaster general of the army, or to the paymaster general thereof for the time being, for the publick use and service: now it is hereby further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for the lord high treasurer of England, or any three or more of the commissioners of the treasury for the time being, to cause as well the said orders and tallies, for the said reversionary annuities remaining undisposed, as aforesaid; as also all and every or any the said debentures returned, or to be returned, to the said late paymaster, or to the paymaster general of her Majesty's forces for the time being,

Treasury to apply the tallies, &c. for the reversionary annuities undisposed of, as also the debentures returnable to the

being, pursuant to the said securities, or any of them, given paymaster general, for satisfaction of all or any part of the monies due in the reign of his late majesty King *William the Third*, to the out pensioners of *Chelsea hospital*, and such other publick debts as were incurred during the last war, as the said lord high treasurer or commissioners of the treasury shall direct, and in such proportions, manner, and form, as to him or them shall seem meet.

CAP. X.

An act to enlarge the time for the purchasers of the forfeited estates in Ireland, to make the payments of their purchase money. 1 Annæ, stat. 2.
 Times allowed to the purchasers of the forfeited estates in Ireland, who have paid one third part of their purchase money, for payment of the residue. On non-payment at those times, conveyance to be void. All unsatisfied debentures to be registered. EXP. c. 21.
11 W. 3. c. 2.

CAP. XI.

An act for the making more effectual her Majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her Majesty to grant in perpetuity the revenues of the first fruits and tenths; and also for enabling any other persons to make grants for the same purpose.

WHEREAS at a parliament holden in the six and twentieth year of the reign of King Henry the Eighth, the first fruits, revenues, and profits for one year, upon every nomination or appointment to any dignity, benefice, office, or promotion spiritual, within this realm, or elsewhere, within the said King's dominions, and also a perpetual yearly rent or pension, amounting to the value of the tenth part of all the revenues and profits belonging to any dignity, benefice, or promotion spiritual whatsoever, within any diocese of this realm, or in Wales, were granted to the said King Henry the Eighth, his heirs and successors; and divers other statutes have since been made touching the first fruits and annual tenths of the clergy, and the ordering thereof: and whereas a sufficient settled provision for the clergy, in many parts of this realm, hath never yet been made, by reason whereof divers mean and stipendiary preachers are in many places entertained to serve the cures, and officiate there; who depending for their necessary maintenance upon the good-will and liking of their hearers, have been, and are thereby under temptation of too much complying and suiting their doctrines and teaching to the humours rather than the good of their hearers, which hath been a great occasion of faction and schism, and contempt of the ministry: and forasmuch as your Majesty, taking into your princely and serious consideration the mean and insufficient maintenance belonging to the clergy in divers parts of this your kingdom, has been most graciously pleased, out of your most religious and tender concern for the church of England (whereof your Majesty is the only supreme head on earth) and for the poor clergy thereof, not only to remit the arrears of your tenths due from 26 H. 8. c. 3.
26 H. 8. c. 17.
27 H. 8. c. 8.
32 H. 8. c. 22,
&c. 47.
34 & 35 H. 8.
c. 17.
2 & 3 Ed. 6.
c. 20.
7 Ed. 6. c. 4.
1 Eliz. c. 4.
5 Annæ, c. 24.
3 Geo. 1. c. 10.

from your poor clergy, but also to declare unto your most dutiful and loyal commons your royal pleasure and pious desire, that the whole revenue arising from the first fruits and tenths of the clergy might be settled for a perpetual augmentation of the maintenance of the said clergy, in places where the same is not already sufficiently provided for: we your Majesty's most dutiful and loyal subjects, the commons of England, in parliament assembled, to the end that your Majesty's most gracious intentions may be made effectual, and that the church may receive so great and lasting an advantage from your Majesty's parting with so great a branch of your revenue, towards the better provision for the clergy not sufficiently provided for; and to the intent your Majesty's singular zeal for the support of the clergy, and the honour, interest, and future security of the church, as by law established, may be perpetuated to all ages, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for the Queen's most excellent majesty, by her letters patents under the great seal of England, to incorporate such persons as her Majesty shall therein nominate or appoint, to be one body politick and corporate, to have a common seal, and perpetual succession; and also at her Majesty's will and pleasure, by the same, or any other letters patents, to grant, limit, or settle, to or upon the said corporation, and their successors for ever, all the revenue of first fruits, and yearly perpetual tenths of all dignities, offices, benefices, and promotions spiritual whatsoever, to be applied and disposed of, to and for the augmentation of the maintenance of such parsons, vicars, curates, and ministers, officiating in any church or chapel within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, where the liturgy and rites of the church of England, as now by law established, are or shall be used and observed, with such lawful powers, authorities, directions, limitations, and appointments, and under such rules and restrictions, and in such manner and form, as shall be therein expressed; the statute made in the first year of her said Majesty's reign, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*, or any other law to the contrary in any wise notwithstanding.

II. Provided always, and it is hereby declared, That all and every the statutes and provisions, touching or concerning the ordering, levying, and true answering and payment, or qualification of the said first fruits and tenths, or touching the charge, discharge, or alteration of them, or any of them, or any matter or thing relating thereunto, which were in force at the time of making this act, shall be, remain, and continue in their full force and effect, and be observed and put in due execution according to the tenors and purports of the same, and every of them,

The Queen may erect a corporation, and settle on them, and their successors, the first fruits and tenths, for augmentation of the maintenance of the meaner clergy.

By 3 Geo. 1. c. 10. a collector is to be appointed.

1 Annæ, stat. 1. c. 7.

All statutes, &c. relating to first fruits and tenths to continue in force.

them, for such intents and purposes nevertheless, as shall be contained or directed in or by the said letters patents.

III. Provided also, That this act, or any thing therein contained, shall not extend to avoid, or any way to impeach or affect any grant, exchange, alienation, or incumbrance, at any time heretofore made, of or upon the said revenues of first fruits and tenths, or any part thereof; but that the same shall, during the continuance of such grant, exchange, alienation, or incumbrance respectively, be and remain of and in such force and virtue, and no other, to all intents and purposes, as if this act had not been made.

Act not to void any grant, &c. heretofore made of any the said revenues.

IV. And for the encouragement of such well-disposed persons as shall, by her Majesty's royal example, be moved to contribute to so pious and charitable a purpose, and that such their charity may be rightly applied; be it enacted by the authority aforesaid, That all and every person and persons, having in his or their own right any estate or interest in possession, reversion, or contingency, of or in any lands, tenements, or hereditaments, or any property of or in any goods or chattles, shall have full power, licence, and authority, at his, her, and their will and pleasure, by deed inrolled, in such manner, and within such time, as is directed by the statute made in the twenty seventh year of the reign of King *Henry* the Eighth, for inrolment of bargains and sales, or by his, her, or their last will or testament in writing, duly executed according to law, to give and grant to, and vest in the said corporation, and their successors, all such his, her, or their estate, interest, or property in such lands, tenements, and hereditaments, goods and chattles, or any part or parts thereof, for and towards the augmentation of the maintenance of such ministers as aforesaid, officiating in such church or chapel, where the liturgy and rites of the said church are or shall be so used or observed, as aforesaid, and having no settled competent provision belonging to the same, and to be for that purpose applied according to the will of the said benefactor, in and by such deed inrolled, or by such will or testament executed, as aforesaid, expressed: and in default of such direction, limitation, or appointment, in such manner as by her Majesty's letters patents shall be directed or appointed, as aforesaid. And such corporation, and their successors, shall have full capacity and ability to purchase, receive, take, hold, and enjoy, for the purposes aforesaid, as well from such persons as shall be so charitably disposed to give the same, as from all other persons as shall be willing to sell or aliene to the said corporation any manors, lands, tenements, goods, or chattles, without any licence or writ of *Ad quod damnum*, the statute of *Mortmain*, or any other statute or law to the contrary notwithstanding.

27 H. 8. c. 16. Persons may give lands, tenements, or goods, &c. to the said corporation,

or sell or aliene any manors, lands, &c.

V. Provided always, That this act or any thing therein contained shall not extend to enable any person or persons, being within age, or of *None sane* memory, or women covert, without their husbands, to make any such gift, grant, or alienation;

Persons excepted from making such gifts, &c.

tion;

tion; any thing in this act contained to the contrary in any wise notwithstanding.

VI. *And whereas four bonds for four half yearly payments of the first fruits; as the same are rated, and also a fifth bond for a further value or payment, in respect of the same first fruits, have been required and taken from the clergy, to their great and unnecessary burden and grievance: for remedy thereof be it enacted and declared by the authority aforesaid, That from and after the twenty fifth day of March, in the year of our Lord one thousand seven hundred and four, one bond only shall in such case be given or required for the four payments of the said first fruits: which said first fruits, as well as the tenths payable by the clergy, shall hereafter be answered and paid by them according to such rates and proportions only as the same have heretofore been usually rated and paid: and no such fifth bond already given shall, from and after the said twenty fifth day of March, in the year one thousand seven hundred and four, be sued or recovered.*

One bond only to be taken for the four payments of the first fruits.

CAP. XII.

13 & 14 Car. 2. c. 3.

An act for raising the militia for the year one thousand seven hundred and four, notwithstanding the month's pay formerly advanced be not repaid.

Militia forces may be drawn out into actual service any time before 24th June, 1705. notwithstanding the one month's pay formerly advanced be not repaid. EXP.

CAP. XIII.

2 W. & M. ff. 1. c. 9. 1 Annæ, stat. 1. c. 28.

An act for prolonging the time by an act of parliament, made in the first year of her Majesty's reign, for importing thrown silk of the growth of Sicily, from Leghorn. EXP.

CAP. XIV.

An act for the better securing and regulating the duties upon salt.

WHEREAS great sums of money are paid out of her Majesty's duties upon salt, on account of debentures for salt shipped to be exported to foreign parts; and it is found by experience, that great part of the salt, for which such debentures have been paid, hath been fraudulently landed on the coasts of England and Wales, and not exported to any foreign parts, or having been actually landed in Ireland, or other places out of England and Wales, have been shipped off again from thence, and fraudulently brought into England or Wales; by which evil practices her Majesty's said duties are very much lessened in the produce thereof, and the salt makers, who pay their full duties, are very much prejudiced and discouraged in their trade, by reason they cannot sell their salt in places which are supplied with salt run, as aforesaid: for remedy whereof be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That no salt whatsoever, being of the produce or manufacture of England, Wales, Berwick upon Tweed, Scotland, or Ireland, nor any

No salt coming from Ireland, Scotland,

any other salt coming from *Ireland, Scotland,* or the isle of *Man*, or the isle of *Man*, to be imported. shall, after the first day of *June*, one thousand seven hundred and four, be imported or brought into any port or place within *England, Wales,* or *Berwick upon Tweed*, nor be taken out of any ship or vessel, nor put on shore within any of the said ports or places, upon pain that all the salt so imported or brought in, taken out of any ship or vessel, or landed, or put on shore, contrary to the true intent and meaning of this act, shall be forfeited and lost; and that the ship or vessel in which any such salt shall be so imported or brought in, or out of which any such salt shall be taken or put on shore, together with all her tackle and apparel, shall also be forfeited and lost; and every person that shall take any such salt out of any such ship or vessel, or carry the same on shore, or convey the same from the shore when landed, or be aiding or assisting therein, shall forfeit the sum of twenty pounds for every such offence, or suffer six months imprisonment.

Further provisions for this purpose by 5 Geo. 1. c. 18. f. 23. Forfeiture.

II. And be it further enacted, That it shall and may be lawful to and for any of the officers for the said duties upon salt, at any time within two months after the importation or landing any such salt, and not afterwards, to seize the salt so imported or taken out of any ship or vessel, or landed or put on shore, or conveying from the shore; and also the ship or vessel in which such salt was imported, together with all her tackle and apparel: and in case the owner of such salt or ship shall not, within twenty days after such seizure, claim the salt and ship so seized, and also give sufficient security to answer the value thereof; then, and in every such case, the salt and ship, with all her tackle and apparel, shall be sold to the best advantage.

Salt so imported may in two months after be seized; also the ship; and if not claimed in 20 days may be sold.

III. Provided nevertheless, That nothing in this act shall extend, or be construed to extend, to any salt which shall be shipped, to be carried coastwise, by certificate from one port to another in *England, Wales,* or *Berwick upon Tweed*, according to the directions of the former acts relating to the said duties.

Salt carried coastwise excepted.

IV. Provided also, That in case where any salt shall have been entred and shipped to be exported to foreign parts, according to the directions of the former acts in that behalf, and the ship or vessel, laden with such salt, shall by stress of weather, enemies, or other unavoidable necessities, be forced into any port or place within *England, Wales,* or *Berwick upon Tweed*, it shall and may be lawful to and for the owner of such salt, or master of such ship, within twenty days after her coming into such port, to re-land the said salt, so as due entry be made, and the duties again paid down for the whole quantity of salt that was entred to be exported, before any part thereof shall be re-landed, and not otherwise; any thing in this act or any other law or statute to the contrary notwithstanding.

Salt forced into any port by stress of weather, &c. may be re-landed.

V. Provided also, That in case where any fisherman shall have taken any salt on board his boat or vessel from any part of *England, Wales,* or *Berwick upon Tweed*, for the salting of fish at sea, it shall and may be lawful for any such fisherman to bring

Fisherman may land salt taken on board for salting fish, on in oath made, &c.

in and land any such salt so taken on board, so as oath be made before the landing thereof (which oath the officer for the said duties hath hereby power, and is hereby directed to administer, without fee or charge) that the particular quantity of salt, so to be landed, was taken on board from some part of *England, Wales, or Berwick upon Tweed*, and at what place it was taken on board, and that no part thereof was taken out of any ship or vessel at sea; any thing in this act or any other statute to the contrary notwithstanding.

Allowance of salt for ship's provision, or for curing fish, &c.

VI. Provided also, That in case where any ship or vessel shall come into any part of *England, Wales, or Berwick upon Tweed, from Ireland, or any other foreign part*, having on board any quantity of salt, which was taken in only for the necessary provisions of the ship for such voyage, or for curing of fish, it shall and may be lawful to and for the master of such ship or vessel to land the said salt, so as entry be made thereof within ten days after his first coming into such port, and the duties paid down or secured for the same, before the same, or any part thereof, shall be landed or taken out of any such ship or vessel, in the same manner as the duties of foreign salt imported are to be paid or secured: any thing in this act or any other statute to the contrary notwithstanding.

What forfeited upon neglect of such entries by § Geo. 1. c. 18. f. 18.

No salt to be brought out of Scotland by land, into England. Penalty. Salt officers to seize such salt, &c.

VII. And be it further enacted by the authority aforesaid, That from and after the said first day of *June*, one thousand seven hundred and four, no salt shall be brought out of *Scotland* by land, into any part of *England*, or town of *Berwick upon Tweed*, or precincts thereof, on pain of forfeiting the salt so brought into any of the said places, and twenty shillings a bushel, and so proportionably for a greater or lesser quantity; and that it shall and may be lawful to and for any of the officers for the duties upon salt, to seize any salt so brought into any of the said places, and to apprehend the person and persons who shall bring in the same, and to carry him, her, or them before any of her Majesty's justices of the peace near the place where such seizure shall be made; and if, upon full proof of the fact, such offender shall not pay down the said penalties by this act imposed, such justice shall commit such offender to the next gaol, there to remain for the space of six months without bail or mainprize.

§ W. & M. c. 7. f. 11.

VIII. And whereas by an act of parliament made in the fifth year of the reign of the late King William and Queen Mary, intituled, An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against *France*; it is amongst other things enacted, That no salt shall be delivered from any salt works or pits, without notice first given to the officer appointed for that purpose, upon pain of forfeiture of the salt so delivered, and upon pain of twenty pounds to be forfeited by the owner or owners of the salt works or pits, where such salt shall be delivered:

livered: and whereas several salt makers have been, and others may be, subjected to the said penalties of twenty pounds, by the evil practices of salt carriers, and others, who convey salt from the salt works without a warrant or permit for conveying the same; for preventing whereof be it enacted by the authority aforesaid, That from and after the said first day of *June*, one thousand seven hundred and four, as well the carrier, or person who shall carry or convey any salt without a warrant or permit for carrying the same, as the proprietor of the salt works, who shall deliver salt without notice first given, shall forfeit the said sum of twenty pounds.

Penalty on salt carrier carrying salt without a permit.

IX. And whereas in and by the said act of parliament made in the fifth year of the reign of the late King William and Queen Mary, and by several other acts relating to the said duties upon salt; it is amongst other things provided, That any person, who shall export beyond the seas any salt, as well foreign as English, or any rock salt, shall, upon a debenture made out according to the direction of the said acts, be repaid the duties of such salt so exported: and whereas some doubts and controversies have been made, whether salt shipped and exported to Scotland, the isle of Man, or the islands of Jersey and Guernsey, be an exportation of salt within the intent and meaning of the said acts, so as to intitle the exporter to a drawback of the duties of the salt so exported: for preventing of all such controversies and disputes, be it enacted and declared by the authority aforesaid, That it was and is the intent and meaning of the said acts, that any person exporting any salt to Scotland, the isle of Man, or the islands of Jersey and Guernsey, according to the directions of the said acts, is and shall be intitled to a drawback of the duties of the salt so exported, and shall be repaid the same, in such manner, and under such conditions, as are directed and required by the said acts, in case of the exportation of salt to any other foreign parts; any thing in the said acts or any other law or statute to the contrary in any wise notwithstanding.

Further provisions relating hereto by 5 ANNÆ, c. 29. §. 16.

Salt exported to Scotland, the isle of Man, or Jersey and Guernsey, intitled to a drawback.

X. Provided always, and it is further enacted by the authority aforesaid, That where any salt or rock salt (the duties whereof shall have been paid or secured to be paid, according to the direction of the former laws, relating to the said duties on salt) shall from and after the first day of *June*, one thousand seven hundred and four, be shipped or laid on board any ship or vessel, in any port, river, or place within this kingdom of England, or the dominion of Wales, or town of Berwick upon Tweed, in order to be exported to parts beyond the seas, or be carried coastwise; and the said salt or rock salt, so shipped or laid on board, shall happen to perish by the sinking of the ship or vessel, on which the same shall be shipped or laid on board, before the said ship or vessel shall go out of such port or place, and before the exporter of such salt shall be intitled to a drawback or allowance of the duties thereof, then and in such case the exporter or proprietor of the said salt or rock salt, so perished, shall, upon proof made before the justices of the peace, at the next general quarter sessions of the peace, to be held for the county, city, riding, division, or place next to the place where the

Salt shipped for exportation, and perishing in port, by the sinking of the ship, &c.

said salt or rock salt shall so perish, of the loss of the salt or rock salt so shipped, receive from the said sessions a certificate, that such proof was made before them, and upon producing the said certificate to any of her Majesty's collectors or officers appointed to collect the said duties on salt, the said collectors and officers are hereby required to let the said exporter or proprietor buy the like quantity of salt or rock salt, as is expressed in the said certificate to be so perished, without paying to her Majesty any duty of excise for the same, in the same manner as if such salt or rock salt had so perished going coastwise from one port of *England* to another.

Proprietor to buy the like quantity, duty free.

General issue.

Double costs.

Penalties and forfeitures how to be recovered.

XI. Provided always, and be it further enacted, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall or may plead the general issue, and give this act in evidence for his defence; and if upon a trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs be nonsuit, discontinue, or forbear prosecuting the said actions, then such defendant or defendants shall have double costs to him or them awarded against such plaintiff or plaintiffs, for which costs he shall have such remedy, as in other cases where costs are by law given to defendants.

XII. And be it further enacted by the authority aforesaid, That the several penalties and forfeitures, hereby given and imposed, shall be recovered and levied by the same ways, means, and methods, as any penalties and forfeitures can or may be recovered and levied by any of the laws of excise, or by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, nor any more than one imparlance shall be allowed; and that the said penalties and forfeitures shall be distributed in manner following (to wit) one moiety thereof to her Majesty, her heirs, and successors, and the other moiety to him or them that will sue or inform for the same.

XIII. *And whereas it is found by experience, that great quantities of fish, which have been cured at sea, or in Ireland, or other parts not within England, Wales, or Berwick upon Tweed, with salt, for which the duties have not been answered and paid, have been imported or brought into England, Wales, or Berwick upon Tweed, by which practice her Majesty, and the English fishery, are very much prejudiced:* for remedy whereof be it enacted by the authority aforesaid, That from and after the said first day of *June*, one thousand seven hundred and four, no herrings, pilchards, scads, codfish, ling, hake, salmon, or dried red sprats whatsoever, or by whomsoever caught or cured, shall be imported, brought in, or landed within *England, Wales, or Berwick upon Tweed*, unless the owner or proprietor of such fish, or the master of the vessel, shall make oath before the officer for the said duties on salt, in the port or place where such fish shall be imported, brought in, or landed (who shall administer the same without fee or charge) that all the salt wherewith the said fish was cured,

No herrings, pilchards, scads, codfish, ling, hake, salmon, &c. shall be imported or landed, unless oath be made, that the salt wherewith such fish was cured, was laden from

was laden or put on board from some part of *England, Wales,* or *Berwick upon Tweed,* and when and where the same was so put on board, and that no drawback or allowance, or debenture for the same, hath to his knowledge or belief been had or obtained upon the exportation or carrying out of the said salt, or any part thereof, or is intended to be had or obtained on account of such exportation, upon pain of forfeiting such fish that shall be imported, brought in, or landed contrary to the intent and meaning hereof, and double the value thereof, to be recovered of the importer or proprietor thereof.

England, &c.
and no drawback allowed on exportation, &c.
Penalty.

XIV. Provided, That nothing in this act shall extend to prohibit the importing and landing any codfish, ling, or hake, which have been caught and cured at *Newfoundland* or *Iseland,* so as oath be first made before the landing thereof by the owner or proprietor of such fish, or the master of the vessel, before the officer for the said duties in the port or place where such fish shall be imported, brought in, or landed (who shall administer the same without fee or charge) that all the fish so imported came from *Newfoundland* or *Iseland,* and were caught and cured there, and so as the said fish be at the landing thereof, and before the same be removed from the shore, tendered to the officer of the port for the said duties, to have part of the tail of every such codfish, ling, or hake cut off, that no allowance for such fish be obtained upon exportation; and the said officer is hereby impowered and required to cut off part of the tail of all such fish on the importation thereof: and in case any such fish shall be landed before the same shall be tendered to the officer, to have part of the tail cut, as aforesaid, all the fish, so imported and landed, shall be forfeited, and double the value thereof, to be recovered of the importer or proprietor thereof; to wit, one moiety thereof to the Queen, the other moiety thereof to him or them who shall prosecute or sue for the same.

Newfoundland or *Iseland* fish, excepted.

Part of the tail of such fish to be cut off. Penalty on landing the same before tender thereof made provision is made by 4 Annæ, c. 12. s. 12. for codfish, &c., imported from the North Sea.

XV. And whereas the proprietors, who have given securities at their works or pits for the duty of salt or rock salt bought of them, do often suffer damage by frauds committed in the exportation without their privity: for remedy whereof be it enacted by the authority aforesaid, That where any salt or rock salt shall, after the first day of *June,* one thousand seven hundred and four, be entred, and security shall be given for the duties, and certified to the officer, according to the former laws relating to the duties on salt, no such salt or rock salt shall afterwards be entred for exportation by any person or persons not bound in the security first given, as aforesaid, until such person or persons, so exporting such salt or rock salt, shall give or find sufficient security for the duties thereof (which the officer for the said duties at the port where the same is so entred for exportation is hereby required to take) and the same officer shall deliver gratis, and without delay, a certificate of such new security taken, and upon producing such certificate to the officer of the place where the duty of the said salt was first secured to be paid, such first security shall be discharged.

Where salt is entred, and the duties secured, no such salt shall afterwards be entred for exportation by any person not bound in the first security, till security given for the duties, &c.

Tenants paying their rent in salt, to be allowed so much as the duty comes to.

XVI. *And whereas by several leases, grants, or contracts, made before the sixth day of November, one thousand six hundred ninety three, certain rents payable in salt were reserved, granted, or agreed to be paid out of or for divers lands, tenements, or hereditaments; and it is evident that the imposing the present duties on salt, since the making the said leases, grants, or contracts, doth in effect increase the said rents, and make them more burdensome to the persons liable thereunto; it is therefore enacted and declared by the authority aforesaid, That when the owners, proprietors, and tenants of such lands, tenements, and hereditaments, so charged by any leases, grants, or contracts, made before the time aforesaid, do from and after the five and twentieth day of December, one thousand seven hundred and three, pay or deliver any such rent in salt, the person or persons, who shall receive the same, shall be obliged by this act to pay to him or them, who shall make such payments of salt in kind, so much money as the duty and duties paid or payable to her Majesty for the same salt, by any act or acts of parliament made since the said sixth day of November, one thousand six hundred ninety three, do amount unto.*

Guernsey bay salt may be imported during the war, not exceeding 4000 bushels per annum.

XVII. *Provided always, and it is hereby enacted, That it shall and may be lawful, during the present war, to bring in bay salt of the produce of the island of Guernsey, upon paying the same, and no higher or other duty, than what is or shall be laid upon salt made in England, and so as the same salt so to be imported shall be imported in the ports of Yarmouth in Norfolk, Portsmouth, Plymouth, and Falmouth, or any of them, and shall not exceed in the whole four thousand bushels in any one year, so as due entry (according to law) be made of the same, for which salt no drawback shall be allowed upon the exportation thereof; any thing in this present act, or any other act, contained to the contrary thereof in any wise notwithstanding.*

No drawback allowed.

XVIII. *And whereas divers merchants, and other persons, being subjects of this realm of England, do ship salt that hath paid the duty to her Majesty, to convey it to some part of England, and the same or part thereof may be lost at sea, by violent or stormy weather, or by being thrown over board for preserving mens lives, or the vessel in which such salt is shipped, as aforesaid; be it therefore enacted by the authority aforesaid, That from and after the said first day of June, one thousand seven hundred and four, in such case any merchant or person, owner of the said salt, shall, upon proof made (by the oaths of two or more credible witnesses, whereof the master or mate of the vessel to be one, before the justices of the peace at the quarter sessions held for the county, riding, division, or town wherein he doth inhabit, in open court) of the loss of such salt so shipped, and that the same was not occasioned by any leakage of the ship or vessel, or by any negligence or default of the master or mariners, receive from the said sessions a certificate that such proof was made before them, and upon producing the said certificate to any of the officers appointed to collect the duties on salt, the said officer or officers are hereby required to let such persons buy the like quantity of salt, as is expressed*

Salt lost at sea by stormy weather, &c. owners to buy the same quantities so lost, without paying duty.

This privilege extended by 3 Geo. 1. c. 4.

expressed

expressed in the certificate to be lost, without paying to her Majesty, her heirs or successors, any duty or excise for the same; any thing in this act or any other act contained to the contrary notwithstanding.

f. 11. to all merchants in general.

XIX. *And whereas in the late violent storms, which happened in the months of November and December, one thousand seven hundred and three, two vessels laden with salt from Newcastle to the Humber, were by stress of weather blown into Holland, and the masters did there unlade and sell the said salt; be it therefore enacted by the authority aforesaid, That upon proof made thereof, upon the oath of two credible witnesses, the proprietor or proprietors of the said salt shall be intitled to the drawback upon the same, as if the said salt had been entred for exportation into parts beyond the seas; any thing in this or any former law to the contrary notwithstanding.*

Two ships with salt drove into Holland by stress of weather, and the salt there fold, proprietors intitled to the drawback.

XX. *And whereas by an act made in the first year of the reign of her present Majesty it is enacted, That no rock salt whatsoever shall be refined or made into white salt in any place or places whatsoever, within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, except in such places as are or shall be within ten miles distance of the respective pit or pits, from whence such rock salt shall be taken, or at such places as, on or before the tenth day of May, one thousand seven hundred and two, shall have been used for the refining rock salt, under a penalty therein expressed: and whereas Lawn Marsh in the county of Carmarthen hath been an ancient place used for making salt from sea water; and upon several occasions rock salt is very useful to strengthen the brine in the said work, when weakened by fresh water, or other accidents; but the proper use of the said salt work not being for the refining rock salt, it hath been doubted whether rock salt might be there used: for preventing such doubts for the future be it enacted and declared by the authority aforesaid, That rock salt may be so used in the making salt from sea water in the salt works at Lawn Marsh aforesaid; any thing in the said act or in any other law or statute to the contrary notwithstanding; so as her Majesty's duties for all the salt proceeding as well from the said rock salt, as from the sea water, be duly charged, answered, and paid to her Majesty's use.*

1 Annæ, stat. 1. c. 21.

8 Geo. 2. c. 12.

Rock salt may be used in making salt at Lawn Marsh, so as the duties be paid.

CAP. XV.

An act for the better and more regular paying and assigning the annuities, after the rate of three pounds per centum per annum, payable to several bankers, and other patentees, or those claiming under them.

WHEREAS by an act of parliament made in the twelfth year of the reign of our late sovereign lord King William the Third (of glorious memory) intituled, An act for appropriating three thousand seven hundred pounds weekly out of certain branches of excise, for publick uses, and for making a provision for the service of his Majesty's household and family, and other his necessary occasions; it was amongst other things enacted, That

12 W. 3. c. 12.

in lieu and discharge of certain perpetual annual payments, and of all arrears thereof, granted by his late Majesty King Charles the Second to the respective patentees therein named, the hereditary revenue of excise, in the said act mentioned, should from and after the twenty sixth day of December, one thousand seven hundred and five, be and stand charged for ever with the payment of annual sums after the rate of three pounds per centum per annum, for the principal sums mentioned in the said respective letters patent, to be issued and paid out of the said revenue, by quarterly payments, out of the receipt of the Exchequer, by the officers of the same, unto the respective owners and proprietors of the several annual sums, and to their heirs and assigns for ever, without any further or other warrant, to be sued for, had, and obtained in that behalf; the said annual payments, after the rate of three pounds per centum, to be subject nevertheless to be redeemed, on payment of a moiety of the principal sums mentioned in the said respective letters patent: and whereas by an act of parliament made in the first year of the reign of her present Majesty, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown, it is (amongst other things) enacted, That from and after the expiration of the term of five years therein mentioned, so much money as, together with the said payments, after the rate of three pounds per centum per annum, should make up the sum of three thousand seven hundred pounds for every week, during her Majesty's life, should and might be taken out of the said hereditary duties of excise, and out of the duties of excise thereby granted for her Majesty's life, and either or any of them; and the said payments, after the rate of three pounds per centum per annum, being deducted out of the hereditary part thereof, the residue of the said three thousand seven hundred pounds a week should be applied and disposed of to and for the publick use and service: and whereas by an act of this present session of parliament, intituled, An act for granting an aid to her Majesty for carrying on the war, and other her Majesty's occasions, by selling annuities at several rates, and for such respective terms and estates, as are therein mentioned; it is (amongst other things) enacted, That from and after the five and twentieth day of December, in the year of our Lord one thousand seven hundred and five, the said full, clear, and entire weekly sum of three thousand seven hundred pounds, out of all the monies arising by the said hereditary duties of excise, and by the said duties of excise payable during her Majesty's life, and by every and any of them, according to the tenour and direction of the act of parliament above recited in that behalf; and from and after her Majesty's decease, then the like full, clear, entire, and weekly sum of three thousand seven hundred pounds, of lawful English money, out of all the monies to arise by the said hereditary duties of excise, and every or any of them, from time to time for ever, shall be brought and paid into the receipt of the Exchequer; and that out of the monies of the said hereditary duties of excise, arising in or by such weekly payments at the Exchequer, as aforesaid, the said annual sums, after the rate of three pounds per centum per annum, prescribed by the said act, made in the parliament holden in the twelfth year of the reign of his late Majesty King

1 Annæ, stat. 1.
C. 7.

5 & 3 Annæ,
C. 3.

13 W. 3. C. 12.

King William the Third, shall be satisfied and paid, according to the directions therein contained, and subject to the power of redemption therein mentioned, as by the said several acts, relation being thereunto had, more at large may appear: now for the better and more regular paying and assigning the said annuities, after the rate of three pounds per centum per annum, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That the auditor of the receipt of her Majesty's Exchequer, for the time being, shall with all convenient speed, search the books and entries in his office, and from thence, or from the original letters-patents, assignments, or other assurances to him to be produced, shall make a certificate to the lord high-treasurer, or commissioners of the treasury, for the time being, of the names of the several and respective persons that are or shall be then intitled to the said annuities after the rate of three pounds per centum per annum respectively, expressing the principal sums due, and the annuities, after the rate aforesaid, payable to the said owners or proprietors respectively.

II. And be it further enacted by the authority aforesaid, That the said respective persons shall have one or more standing warrants, and orders (the said orders to be made forth upon parchment or vellum, paying the usual fees; and no more, which fees shall not exceed one penny, for every twenty shillings by the year, or after that rate) for the payment of such annuity or annuities so to be certified to be paid to them respectively, and to their respective executors, administrators and assigns, until the same shall be redeemed, as aforesaid, out of the monies of the said weekly-payments, to arise by or from the said hereditary duties of excise; the said payments of the said annuities to be made quarterly; the first payment to be made on the twenty-seventh day of *March*, which shall be in the year of our Lord, one thousand seven hundred and six; which said orders shall be signed by the treasurer and under-treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being; and after the signing the said orders, and every of them, the same shall be firm, good, valid and effectual in law, according to the purport and true meaning thereof, and of this present act, and shall not be determined by or upon the death or removal of any treasurer or under-treasurer of the Exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office or offices of them, or any of them; nor shall any lord high-treasurer of *England*, treasurer of the Exchequer, or any commissioners of the treasury, now or for the time being, have power to revoke, countermand or make void such orders so signed, as aforesaid, or any of them.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the person and persons, that are or shall be intitled to the said annuities respectively,

These annuities were subscribed to the South Sea stock.
6 Geo. I. c. 4.

Auditor to certify persons names to the lord-treasurer that are intitled to annuities at 3 l. per cent. per ann.

Every person to have a warrant for payment, paying 1 d. in the pound fees.

Payments to be made quarterly.

Orders to be signed by the lord-treasurer, &c.

Such orders not to be made void.

Annuities may be assigned or devised, and not revocable, so as entry be made thereof.

and his, her and their respective executors, administrators, or assigns, by writing under his, her or their hand and seal, or by his, her or their last will and testament in writing, to assign or devise such annuity or annuities, or any part thereof, or any interest therein, to any person or persons whatsoever, and so *toties quoties*; and no such assignment by deed to be revocable, so as any entry or memorandum of such assignment or will be made, in books to be kept for that purpose, in the said office of the auditor of the receipt, within the space of three months after such assignment or probate of the will; and that upon producing of such assignment or will, or probate thereof, at the said office of the auditor of the receipt, to be entered, as aforesaid, the party so producing the same, shall bring therewith an affidavit taken before some person authorized to take affidavits in causes depending in any of the courts at *Westminster*, of the due execution of the said assignment, or signing, sealing and publishing of the said will, which affidavits shall be severally filed in the said office; which said entry or memorandum, the officers in the said receipt of the Exchequer are hereby required to make accordingly, and to file the affidavits, taking for the entering of every such assignment or devise, and filing the said affidavit, the sum of one shilling, and no more: and in default of such assignment or devise by deed or will, the annuity of such person or persons shall upon his death, go to his or her executors or administrators.

Affidavit.

Affidavits to be filed.

Fee.

Annuities free from taxes, and to be as a personal estate and not descendable to heir.

IV. And be it further enacted by the authority aforesaid, That the said annuities shall be free from all taxes, charges and impositions whatsoever; and that all and every person and persons who shall be intitled to any of the said annuities, to be comprized in such order or orders to be signed, as aforesaid, after the signing of the said orders respectively, shall be possessed thereof as of a personal estate, and the same shall not be descendable to the heir.

Officers in the Exchequer to take ad. in the pound.

V. Provided always, That the officers in the receipt of her Majesty's Exchequer, for the labour and pains of themselves and their clerks in the payment of the said annuities, shall or may (in lieu of their fees) take and receive after the rate of two pence in the pound, and no more, to be divided amongst them in such proportion as their lawful fees are to be divided; any thing in this, or the said former acts, contained to the contrary notwithstanding.

Persons intitled to annuities in right of their wives, not to dispose of such annuities, unless the wife be a party to the assignment.

VI. Provided always, and it is hereby enacted, That such standing warrants and orders to be made, as aforesaid, of any of the said annuities, or any part thereof, wherein any person on the eleventh day of *March*, in the year of our Lord, one thousand seven hundred and three, shall be intitled in the right of his wife, shall be made out jointly in the names of such person and his wife; and that no person or persons intitled, as aforesaid, to any of the said annuities, or any part thereof, in the right of his wife, shall be capable to sell, or any ways to dispose thereof, at any time during their coverture, without the free and voluntary consent of his wife first had and obtained,

testified

testified by her being a party to such assignment, and signing and sealing the same; and such person who shall make oath of the due execution of such assignment, as above directed, shall also make oath of the wife's consent thereunto, before some person authorized to take affidavits, as aforesaid; and the affidavit to be filed in the said auditor's office.

VII. Provided also, That where any person is or shall be intitled to many or divers of the said annuities, and shall be desirous to have the same comprehended in one order, upon signification thereof in writing, under the hand of such person, the order shall and may be drawn and signed accordingly, for several annuities to be reduced into one yearly sum by one and the same order; any thing in this act contained to the contrary notwithstanding.

Divers annuities may be comprehended in one order, and reduced into one yearly sum.

CAP. XVI.

An act for the discharge out of prison such insolvent debtors as shall serve or procure a person to serve, in her Majesty's fleet or army. 1 Annæ, stat. 1. c. 25. EXP.
 Justices of peace, on petition of poor prisoners for debt, may summon the creditors before them, and also the gaoler. Prisoner to take an oath. Creditor to shew cause why prisoner should not be discharged. In case prisoner be detained, creditor to allow him 4d. per day, and if no estate appear in three months, justices may discharge the person of prisoner, but the debt not thereby discharged, and judgment against prisoner's lands, &c. to stand good. Persons discharged, and again arrested, on shewing a duplicate of their discharge shall again be discharged. Person of prisoner for ever free. Penalty on sheriff, &c. disobeying justices' summonses. Prisoners before discharge shall declare on oath what effects or debts are belonging to them. A schedule thereof to be made. Creditors may sue for such debts in prisoner's name. Persons discharged, freed from chamber rent and gaoler's fees, &c. Prisoners wearing apparel, tools in trade, &c. not liable to attachment. No person to be discharged who is indebted more than 100l. to one person: nor from his imprisonment, unless he list himself in the Queen's service, or procure one in his stead. Penalty on persons convicted of wilful perjury.

CAP. XVII.

An act for the better charging several accountants with interest monies by them received and to be received:

WHEREAS by an act of the twelfth year of the reign of his late majesty King William the Third, for granting to his Majesty several duties upon low wines, or spirits of the first extraction, and for continuing several duties therein mentioned, provision is made, that the respective treasurers of the navy, and paymasters of the land forces, and the officers in the subordinate offices therein mentioned, should be chargeable with the interest monies by them or their agents, respectively received upon tallies and orders for monies impressed to them severally, during the late war against France, or at any time before the making of the said act, in the manner and form thereby prescribed; and that every such charge should be examined by the entries and vouchers in the receipt of the Exchequer, before the respective accounts or accounts of the said treasurers, paymasters, or other officers should be declared; and by an act of the first year of her Majesty's reign, intituled, An act for making good deficiencies, and for preserving the publick credit, it was enacted, That the 12 W. 3. c. 11. EXP. 1 Annæ, st. 1. c. 13.

respective accounts of any the said treasurers, paymasters, or other officers, of the monies by them received for the service of the said navy, forces, and for services in the said subordinate offices, should and might be declared and finished, according to the ancient usage and methods of the Exchequer, so as before the declaring of the last accounts of the monies by them severally received, as aforesaid, for the said respective services, all the said interest monies be duly examined and charged, as the said former act directed, as by the said several acts may more fully appear: and whereas it appears, that the auditor of the said receipt of Exchequer doth or can charge accountants, as aforesaid, with interest monies by them or their agents received, upon tallies or orders that are satisfied and discharged in the said receipt; but it is difficult to charge such accountants with interest money upon such of the said tallies or orders, as are standing out and unsatisfied; and it is utterly impossible for him to charge upon such accountants the interest hereafter to be paid upon any such unsatisfied tallies and orders, until the principal thereupon comes in course of payment, and the said tallies and orders, be brought to the said receipt to be discharged; and it will be a great detriment to her Majesty's service, in case the final accounts of the said respective treasurers, paymasters, and other subordinate officers (which contain large sums of money, and may have many Supers depending thereupon) should be deferred until all the said orders and tallies be fully discharged; To obviate which mischief, be it enacted, &c.

Auditor to proceed in examining the several interest accounts pursuant to the act 12 & 13 W. 3. c. 11. and surcharge the interest monies omitted. Lord treasurer, &c. on such charge may proceed in finishing the accounts of the treasurers and paymasters of the navy, forces, &c. Auditor to examine the accountant's interest accounts, and certify the sums which ought to be surcharged for interest money. Certificate a legal charge against such accountant. In case it appears that interest money charged on accountant was paid over to creditor, &c. accountant to be allowed for so much. Salaries of the army commissioners to be made without account.

C A P. XVIII.

An act for the further explanation and regulation of privilege of parliament in relation to persons in publick offices.

WHEREAS it is most just and reasonable, that persons employed in offices and places of publick trust, should at all times be accountable for any misdemeanors therein, and the publick justice of the realm requireth a vigorous prosecution of such offenders: To the end therefore that your Majesty's good subjects may not lie under any doubts or discouragements, whereby such prosecutions might be prevented or delayed; may it please your most excellent Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That any action or suit shall and may be commenced and prosecuted in any of her Majesty's courts at Westminster, against any officer or person intrusted or employed in the revenue of her Majesty, her heirs and successors, or any

Action may be prosecuted against any officer of the revenue, or any

any part or branch thereof, or any other office or place of publick trust, for any forfeiture, misdemeanor, or breach of trust, of, in, or relating to such office or place of trust, or any penalty imposed by law to enforce the due execution thereof; and that no such action, suit, or any other process, proceeding, judgment, or execution thereupon, although such officer or person shall be a peer of this realm, or lord of parliament, or one of the knights, citizens, or burgesses of the house of commons, or otherwise intitled to the privilege of parliament, shall be impeached, stayed, or delayed by or under colour or pretence of any privilege of parliament.

II. Provided nevertheless, and be it further enacted by the authority aforesaid, That nothing in this act shall extend to subject the person of such officer, being a peer of this realm, or lord of parliament, to be arrested or imprisoned; but that all process shall issue against such officer or person, being a peer of this realm, or lord of parliament, as should have issued against him out of the time of privilege: nor shall extend to subject the person of such officer, being a knight, citizen, or burgess of the house of commons, to be arrested or imprisoned, during the time of privilege of parliament; and that against such officer, or other person, being a knight, citizen, or burgess of the house of commons, intitled to privilege, shall be issued summons and distress infinite, or original bill, summons, attachment, and distress infinite, which the said respective courts are hereby empowered to issue in such case, until the party shall appear upon such process according to the course of such respective court.

other place of publick trust, for any misdemeanor, &c. No such action to be stayed on pretence of privilege of parliament.

Act not to subject the person of peer to imprisonment: Nor member of the house of commons.

CAP. XIX.

An act for raising recruits for the land forces and marines, and for disposing with part of the act for the encouragement and increase of shipping and navigation, during the present war. E X P.

CAP. XX.

An act for punishing mutiny, desertion, and false musters, and for better paying of the army and quarters, and for satisfying divers arrears, and for a further continuance of the powers of the five commissioners for the examining and determining the accounts of the army. E X P.

Officers or soldiers, who shall mutiny or desert, to suffer death. General to call courts martial for punishing offenders. Court martial to consist of 13 commission officers. Officer or soldier not to be exempt from the ordinary process of law. Act not to extend to the militia forces. Every officer at a court martial to take an oath. Nine officers to concur in giving sentence of death against offender. No trial to be but between eight and one. Penalty on person making false certificate to excuse soldier from muster. Penalty on officer making false muster. Commissary to give notice of the muster to the mayor, &c. mayor, &c. to be present at muster. No muster-roll to be allowed, unless signed by mayor, &c. Penalty on person falsely mustered. Horse mustered not belonging to the troop forfeited, &c. Penalty on paymaster, &c. detaining officers or soldiers pay, &c. officer to bring a certificate of men sick or absent. Penalty on officer mustering servants, &c. 31 Car. 2. c. 1. Officers and soldiers may be quartered in inns, livery stables, &c. Penalty on quartering officers or soldiers in private houses, &c. Justices to set rates for all necessary provisions for soldiers in their march. Penalty on officer taking money to excuse the quartering of soldiers. No paymaster, &c. to deduct fees out of officers or soldiers pay, &c. Officer,

cer, on receipt of subsistence money, to give notice thereof to innkeepers, &c. who are to bring in their accounts. Rates allowed for diet, &c. for officers and soldiers. Officer to make up accounts before he leaves his quarters, &c. All accoutrements of war shall be bought in England. Muster rolls to be closed the same day as taken: one whereof to be returned to the paymaster general, and another to the comptroller of the army accounts. Carriages to be provided for the forces in their march. Penalty on officer forcing waggon, &c. to travel more than one day's journey, or forcing horses from the owners. Penalty on officer quartering wives, children, &c. of soldiers in houses against consent of owner. Penalty on civil officer so doing. Penalty on officers or soldier destroying the game without leave. Account of money due to every regiment in the Queen's service, to be made up between the paymaster general and the colonel, &c. and so every four months, &c. Colonel to account with his captains, &c. Penalty on persons harbouring deserters, &c. Inhabitants of Epsom, &c. not liable to quarter soldiers.

XXXIV. *And farasmuch as there is not any effectual provision made for the government of her Majesty's land forces out of the realms of England and Ireland;* be it further enacted and declared, That if any officer or soldier in her Majesty's army shall, either upon land out of *England*, or upon the sea, hold correspondence with any rebel or enemy of her Majesty, or give them advice or intelligence, either by letters, messages, signs, or tokens, or any manner of way whatsoever, or shall treat with such rebels or enemies, or enter into any condition with them, without her Majesty's licence, or licence of the general, lieutenant general, or chief commander, then every such person, so offending, shall be deemed and adjudged to be guilty of high treason, and suffer such pains and penalties as in case of high treason.

Officer or soldier corresponding with the Queen's enemies beyond sea, guilty of high treason.

XXXV. And be it further enacted by the authority aforesaid, That if any officer or soldier of her Majesty's army, either upon land out of *England*, or upon the sea, shall raise, or cause to be raised, any mutiny or sedition in the army, or shall refuse to obey his superior officer, or shall resist any officer in the execution of his office, or shall strike, draw, or offer to draw, or lift up, any weapon against his superior officer, upon any pretence whatsoever, all and every the person and persons so offending, in any of the matters before mentioned, shall be adjudged and taken to be guilty of felony, and shall suffer as in cases of felony; and every of their said offences shall be deemed to be felony, and shall suffer as in case of felony; and the offenders being thereof convicted, or being indicted or arraigned thereof, and standing mute, or challenging peremptorily above the number of twenty returned to be of the jury, shall suffer death as in case of felony.

Officer or soldier beyond sea raising any mutiny, or resisting his officer, &c. guilty of felony.

XXXVI. And be it further enacted by the authority aforesaid, That all and every the treasons and felonies before mentioned, that shall be committed, perpetrated, or done, may be inquired of, heard, and determined in her Majesty's court, commonly called the *Queen's Bench*, by good and lawful men of the same county where the said court shall sit and be kept, or before such commissioners, and in such county of this realm, as shall be assigned by the Queen's majesty, and by good and lawful men of the same county, in like manner and form, to all intents and purposes,

All treasons and felonies may be tried in the Queen's Bench at Westminster, &c.

purposes, as if the said treason and felonies had been committed, perpetrated, and done within the same county.

XXXVII. Provided always, That this act, or any thing therein contained, shall not extend to abridge her Majesty's power of forming, making, and establishing articles of war, and erecting and constituting courts-martial, and inflicting penalties, by sentence or judgment of the same, in such manner as might have been done by her Majesty's authority beyond the seas, in the time of war, before the making of this act.

This act not to abridge the Queen's power of making articles of war, &c.

XXXVIII. And be it further enacted by the authority aforesaid, That her Majesty may, from time to time, grant a commission to such general, lieutenant general, or other officers, as aforesaid, for the holding a court-martial within this realm, in which all officers and soldiers, who shall at any time hereafter, during the continuance of this act, commit any crime or offence out of this realm, against the rules, articles, or laws of war, and shall not be tried for the same by a court-martial, before their return into this realm, shall and may be tried and proceeded against, and punished, according to the rules and articles of war aforesaid.

Court-martial may try offences committed out of the realm, not before tried.

XXXIX. Provided always, That if any officer or soldier shall desert her Majesty's service in any parts beyond the seas, and shall escape or come into this realm or *Ireland*, before he be tried by a court-martial for such offence, then, and as often as any such case shall happen, if it shall also happen that the regiment, troop, or company, to which such officer or soldier shall belong, shall continue in her Majesty's service beyond the seas, it shall and may be lawful, upon oath thereof made to any one of her Majesty's justices of the peace, where such offender shall be taken, for such justices of the peace to cause such offender to be sent to the general court-martial in *England* or *Ireland*, who are hereby enabled, if they think fit, for example's sake, to send such offenders to the respective regiment, troop, or company beyond the seas, to which the offender shall belong, there to be proceeded against according to the directions of this act.

How officers or soldiers deserting the Queen's service beyond sea, shall be tried.

XL. Provided also, That if any person or persons shall, in a court-martial constituted as aforesaid, be tried and acquitted, or convicted of any of the crimes or offences herein before mentioned, such acquittal or conviction shall be a full bar to any indictments or proceedings for the same offence.

Persons acquitted by a court-martial not to be prosecuted again.

XLI. Provided always, That no attainder for any crime or offence made felony by this act, shall extend or be adjudged to make any corruption of blood to any heir of such offender, or to debar the wife of such offender of her title of dower.

No attainder to corrupt the blood of heir, &c.

XLII. Provided also, That if any peer of this realm shall commit any of the offences aforesaid, in any parts beyond the seas, and shall not have been there tried for the same by martial law, and after his return into this realm shall be indicted of any offence hereby declared or enacted to be treason or felony, that then, and after such indictment, he shall have his trial by his peers, in such like manner and form as hath been accustomed.

How a peer of England shall be tried for any offence by this act.

XLIII. And

Persons indicted of treason, &c. to have the benefit of the act 7 W. 3. c. 3.

XLIII. And be it declared and enacted by the authority aforesaid, That all and every person and persons, who shall hereafter be accused, indicted, or prosecuted, for any thing made or declared treason by this act, shall be intitled to the benefit of the act of parliament made in the seventh year of the reign of his late majesty King *William* the Third, intituled, *An act for regulating trials in cases of treason and misprision of treason.*

Officers and soldiers of the marine regiments, &c. subject to the penalties, &c. in this act. Account of each regiment, garrison, &c. to be made up. Auditors to examine the same, and the accountant on oath. No account to be hereafter declared by the lord treasurer, &c. until auditor certify the examination thereof. Respite money may be applied as levy money. The debts owing in quarters by the invalids of Chelsea hospital, &c. shall be paid. Persons reprieved from execution, in order to obtain their pardon, &c. On sight of the Queen's warrant, for passing such pardon, judge may direct the delivery of prisoner, to be listed in the Queen's service. Pardon, when passed, to be inrolled, &c. Act, as to mutineers and deserters, &c. to extend to the forces in Ireland. The pay of the 10,000 men raised for sea service to be cleared to 25 Dec. 1703. Accounts of the English and Dutch trains of artillery to be examined, and debentures issued out thereupon. Pay of the forces at New-York to be computed. Debentures to be issued for payment. 1 *Annæ, stat. 2. c. 20.* continued until 30 June, 1704.

Anno Regni ANNÆ Reginae tertio & quarto.

AT the parliament begun at Westminster the twentieth day of August, Anno Dom. 1702. in the first year of the reign of our sovereign lady Anne, by the grace of God, of England, Scotland, France, and Ireland, Queen, defender of the faith, &c. and from thence continued by several prorogations and adjournments to the * four and twentieth day of October, 1704. being the third session of this present parliament.

* In the inrolment it is, to the fourteenth day of March.

C A P. I.

EXP.

An act for granting an aid to her Majesty by a land tax, to be raised in the year one thousand seven hundred and five. 4 s. in the pound.

C A P. II.

An act for raising monies, by sale of several annuities, for carrying on the present war.

Most gracious Sovereign,

2 & 3 Annæ, c. 3.

WHEREAS by an act of parliament made and passed in the second year of your Majesty's reign, intituled, An act for granting an aid to her Majesty, for carrying on the war, and other her Majesty's occasions, by selling annuities at several rates, and for such respective terms or estates, as are therein mentioned, and by several other acts therein recited, provision is made, That from and after the five and twentieth day of December, in the year of our Lord one thousand seven hundred and five, the full, clear, and intire weekly sum of three thousand seven hundred pounds out of all the

See 1 Geo. 1. stat. 1. c. 1. s. 4.

the monies arising by the hereditary duties of excise, and by other duties of excise therein mentioned, payable during her Majesty's life, and from and after her Majesty's decease, then the like full, clear, and intire weekly sum of three thousand seven hundred pounds, out of all the monies to arise by the said hereditary duties of excise, from time to time for ever, shall be brought and paid into the receipt of Exchequer every week, in the manner and form, and under such penalties, as are thereby prescribed: and it is thereby further enacted, That out of the money of the said hereditary duties of excise, arising in or by such weekly payments at the Exchequer, as aforesaid, certain annual sums after the rate of three pounds per centum per annum, therein mentioned, shall be satisfied and paid, and that out of the monies of the said several branches of excise, arising in or by the said weekly payments, the several annuities to be purchased in pursuance of the said act of the second year of your Majesty's reign, should also be paid and satisfied; and that all the rest and residue of the monies arising by the said weekly payments, and which at the end of every year, reckoning the first year to begin from the said five and twentieth day of December, in the year of our Lord one thousand seven hundred and five, should remain, after satisfying or reserving sufficient to satisfy all the payments which should be then incurred or grown due, as well for and upon the said annual sums, after the rate of three pounds per centum per annum, as also for and upon all the said annuities, to be purchased upon the act last mentioned, should be applied and disposed of to and for the publick use and service, and not otherwise: and whereas the said annual sums, after the rate of three pounds per centum per annum, do amount in the whole to the yearly sum of thirty nine thousand eight hundred fifty five pounds, sixteen shillings, and one half penny; and the annuities purchased on the said act of the second year of your Majesty's reign, for the said term of ninety nine years, do amount in the whole to sixty seven thousand nine hundred twenty four pounds, ten shillings, and six pence half penny; and the annuities purchased severally on the same act for single lives, do amount in the whole to twenty two thousand three hundred and thirteen pounds, six shillings, and eight pence; and the annuities severally purchased on the same act for the lives of two persons, and the survivor of them, do amount in the whole to ten thousand five hundred and twenty eight pounds; and the several annuities purchased on the same act for the lives of three persons, and the survivors and survivor of them, do amount in the whole to three thousand nine hundred seventy nine pounds, thirteen shillings, and four pence; and the charges of paying the said annuities do amount to the yearly sum of twelve hundred pounds; so that there doth remain at this time undisposed, of the money of the said weekly payments, to be applied to the publick use and service, the yearly sum of forty six thousand five hundred ninety eight pounds, thirteen shillings, and five pence, or thereabouts, besides the expectancies after the determination of the said respective estates, for one, two, and three lives: Now we your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, being desirous to raise the money necessary for carrying on the present war, and other your Majesty's most pressing occasions, by such ways and means as

By 6 Geo. 1.
C. 4. the South-
Sea company
take in these
annuities.

are most easy to your Majesty's subjects, do chearfully and unanimously grant unto your Majesty a further aid, to arise by contributions for annuities, to be purchased in the manner and form herein after mentioned; and do humbly beseech your Majesty that it may be enacted: and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons, natives or foreigners, to contribute, advance, and pay into the receipt of her Majesty's Exchequer, for her Majesty's use, at or before the respective days and times in this act limited in that behalf, any sum or sums of money, not exceeding in the whole the sum of eight hundred seventy seven thousand nine hundred and thirty pounds, nineteen shillings, and three pence halfpenny, for purchasing such several and respective annuities as are herein after-mentioned (that is to say) any sum and sums of money, not exceeding six hundred and ninety thousand pounds (part of the said whole sum not exceeding eight hundred seventy seven thousand nine hundred and thirty pounds, nineteen shillings, and three pence halfpenny) for any annuity or annuities to be paid during the full term of ninety nine years, to be reckoned from the said five and twentieth day of *December*, in the year of our Lord one thousand seven hundred and five, at the rate of fifteen years purchase; which rate doth amount to the sum of one hundred and fifty pounds for every such annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the same rate or consideration-money, for the said full term of ninety nine years, is hereby appointed to be paid into the said receipt at or before the respective days and times herein after-mentioned (that is to say) one third part thereof on or before the first day of *May*, in the year of our Lord one thousand seven hundred and five; one other third part thereof, on or before the four and twentieth day of *June*, in the said year of our Lord one thousand seven hundred and five; and the remaining third part thereof on or before the nine and twentieth day of *September*, in the same year of our Lord one thousand seven hundred and five: all which annuities, so to be purchased for the said full term of ninety nine years, shall not exceed in the whole the sum of forty six thousand pounds *per annum*, and shall be paid and payable at the four most usual feasts in the year (that is to say) the feast of the annunciation of the blessed virgin *Mary*, the nativity of *St. John Baptist*, *St. Michael* the archangel, and the birth of our Lord *Christ*, by even and equal portions; the first payment to be made at or upon the feast of the annunciation of the blessed virgin *Mary*, which shall be in the year of our Lord one thousand seven hundred and six.

II. *And whereas the persons, who are or may be intitled to the respective estates for life or lives, purchased upon the said act of the second year of your Majesty's reign, or some of them, are or may be willing and desirous (for such respective prices or considerations as are herein*

What sums may be advanced for purchasers, &c.

for 99 years at 15 years purchase, to be paid into the Exchequer.

Times of payment.

Annuities so purchased, not to exceed 46,000l. per annum.

The first payment is March, 1706.

herein after-mentioned) to have such their respective estates for life or lives changed or converted into a certain term or terms for ninety nine years, to be computed from the said five and twentieth day of March, in the year of our Lord one thousand seven hundred and four, of and in such or the like annuities as they have for life or lives, as aforesaid; or that they, or such as they shall nominate his, her, or their executors, administrators, and assigns respectively (for the like respective prices or considerations) shall or may be intitled to have, receive, and enjoy the like annuity from and after the determination of his, her, or their estate for life or lives, as aforesaid, for and during the residue which shall be then to come and unexpired of the said term of ninety nine years last-mentioned; and in cases where the present owner of any such annuity for life or lives is or may be unwilling (if any such be) to purchase a further or more certain estate or interest therein, it is likely that some other person or persons is or may be desirous to be admitted to purchase a future estate or interest in such or the like annuity or annuities, to take effect from and after the determination of the respective estate for one, two, or three lives in being, and to continue for and during the then residue and remainder of the said term of ninety nine years, to be reckoned from the said five and twentieth day of March, one thousand seven hundred and four, which shall be then to come and unexpired :

III. Now for the raising any further sum and sums of money, not exceeding one hundred eighty seven thousand nine hundred and thirty pounds, nineteen shillings, and three pence halfpenny, other part of the said sum not exceeding eight hundred seventy seven thousand nine hundred and thirty pounds, nineteen shillings, and three pence halfpenny, for the purposes aforesaid; it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, being as original contributors, or by mesne assignments, or by other lawful ways and means, intitled to any estate for one life in being, of or in any annuity purchased or obtained upon the said act of the second year of your Majesty's reign, to advance and pay into the receipt of your Majesty's Exchequer, at or before the respective days and times in this act limited in that behalf, so much money as every or any such annuity, being computed for six years, doth or shall amount unto, either for changing or converting the said estate for a single life, into a certain term for the said ninety nine years, to be computed from the said five and twentieth day of *March*, one thousand seven hundred and four; or for the like annuity to be paid to him, her, or them, his, her, or their executors, administrators, and assigns, from and immediately after the determination of the said estate for one life, during the then residue of the said ninety nine years last-mentioned, at the election of the purchasers respectively; and that it shall and may be lawful to and for any person or persons, being, as aforesaid, intitled to any estate for two lives now in being, of or in any annuity purchased or obtained upon the said act of the second year of your Majesty's reign, to advance and pay into the receipt of your Majesty's Exchequer,

What to be done where an annuity is not demanded in 2 years time: 1 Geo. 1. stat. 2. c. 36. s. 16. Original contributors intitled for one life, &c. may advance so much money, &c. as every annuity amounts unto for six years purchase, for converting their estate for one life, &c. into a certain term for 99 years. Or after the determination of one life, during the residue of 99 years, &c.

are most easy to your Majesty's subjects, do chearfully and unanimously grant unto your Majesty a further aid, to arise by contributions for annuities, to be purchased in the manner and form herein after mentioned; and do humbly beseech your Majesty that it may be enacted: and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons, natives or foreigners, to contribute, advance, and pay into the receipt of her Majesty's Exchequer, for her Majesty's use, at or before the respective days and times in this act limited in that behalf, any sum or sums of money, not exceeding in the whole the sum of eight hundred seventy seven thousand nine hundred and thirty pounds, nineteen shillings, and three pence halfpenny, for purchasing such several and respective annuities as are herein after-mentioned (that is to say) any sum and sums of money, not exceeding six hundred and ninety thousand pounds (part of the said whole sum not exceeding eight hundred seventy seven thousand nine hundred and thirty pounds, nineteen shillings, and three pence halfpenny) for any annuity or annuities to be paid during the full term of ninety nine years, to be reckoned from the said five and twentieth day of *December*, in the year of our Lord one thousand seven hundred and five, at the rate of fifteen years purchase; which rate doth amount to the sum of one hundred and fifty pounds for every such annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the same rate or consideration-money, for the said full term of ninety nine years, is hereby appointed to be paid into the said receipt at or before the respective days and times herein after-mentioned (that is to say) one third part thereof on or before the first day of *May*, in the year of our Lord one thousand seven hundred and five; one other third part thereof, on or before the four and twentieth day of *June*, in the said year of our Lord one thousand seven hundred and five; and the remaining third part thereof on or before the nine and twentieth day of *September*, in the same year of our Lord one thousand seven hundred and five: all which annuities, so to be purchased for the said full term of ninety nine years, shall not exceed in the whole the sum of forty six thousand pounds *per annum*, and shall be paid and payable at the four most usual feasts in the year (that is to say) the feast of the annunciation of the blessed virgin *Mary*, the nativity of *St. John Baptist*, *St. Michael* the archangel, and the birth of our Lord *Christ*, by even and equal portions; the first payment to be made at or upon the feast of the annunciation of the blessed virgin *Mary*, which shall be in the year of our Lord one thousand seven hundred and six.

II. *And whereas the persons, who are or may be intitled to the respective estates for life or lives, purchased upon the said act of the second year of your Majesty's reign, or some of them, are or may be willing and desirous (for such respective prices or considerations as are herein*

What sums may be advanced for purchasers, &c.

for 99 years at 15 years purchase, to be paid into the Exchequer.

Times of payment.

Annuities so purchased, not to exceed 46,000*l.* per annum.

The first payment 25 March, 1706.

herein after-mentioned) to have such their respective estates for life or lives changed or converted into a certain term or terms for ninety nine years, to be computed from the said five and twentieth day of March, in the year of our Lord one thousand seven hundred and four, of and in such or the like annuities as they have for life or lives, as aforesaid; or that they, or such as they shall nominate his, her, or their executors, administrators, and assigns respectively (for the like respective prices or considerations) shall or may be intitled to have, receive, and enjoy the like annuity from and after the determination of his, her, or their estate for life or lives, as aforesaid, for and during the residue which shall be then to come and unexpired of the said term of ninety nine years last-mentioned; and in cases where the present owner of any such annuity for life or lives is or may be unwilling (if any such be) to purchase a further or more certain estate or interest therein, it is likely that some other person or persons is or may be desirous to be admitted to purchase a future estate or interest in such or the like annuity or annuities, to take effect from and after the determination of the respective estate for one, two, or three lives in being, and to continue for and during the then residue and remaind.r of the said term of ninety nine years, to be reckoned from the said five and twentieth day of March, one thousand seven hundred and four, which shall be then to come and unexpired :

III. Now for the raising any further sum and sums of money, not exceeding one hundred eighty seven thousand nine hundred and thirty pounds, nineteen shillings, and three pence halfpenny, other part of the said sum not exceeding eight hundred seventy seven thousand nine hundred and thirty pounds, nineteen shillings, and three pence halfpenny, for the purposes aforesaid; it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, being as original contributors, or by mesne assignments, or by other lawful ways and means, intitled to any estate for one life in being, of or in any annuity purchased or obtained upon the said act of the second year of your Majesty's reign, to advance and pay into the receipt of your Majesty's Exchequer, at or before the respective days and times in this act limited in that behalf, so much money as every or any such annuity, being computed for six years, doth or shall amount unto, either for changing or converting the said estate for a single life, into a certain term for the said ninety nine years, to be computed from the said five and twentieth day of *March*, one thousand seven hundred and four; or for the like annuity to be paid to him, her, or them, his, her, or their executors, administrators, and assigns, from and immediately after the determination of the said estate for one life, during the then residue of the said ninety nine years last-mentioned, at the election of the purchasers respectively; and that it shall and may be lawful to and for any person or persons, being, as aforesaid, intitled to any estate for two lives now in being, of or in any annuity purchased or obtained upon the said act of the second year of your Majesty's reign, to advance and pay into the receipt of your Majesty's Exchequer,

What to be done where an annuity is not demanded in 2 years time:

1 Geo. 1. stat. 2. c. 36. s. 16.

Original contributors intitled for one life, &c.

may advance so much money, &c. as every annuity amounts unto for six years purchase, for converting their estate for one life, &c. into a certain term for 99 years.

Or after the determination of one life, during the residue of 99 years, &c.

Two lives for four years purchase, &c. The like after the determination for two lives, &c.

at or before the respective days and times in this act limited in that behalf, for your Majesty's use, so much money as every or any such annuity, being computed for four years, doth or shall amount unto, either for changing or converting the same estate for two lives, into a certain term for the said ninety nine years, to be reckoned from the said five and twentieth day of *March*, one thousand seven hundred and four, or for the like annuity, to be paid to him, her, or them, his, her, or their executors, administrators, and assigns, from and immediately after the determination of the said estate for two lives, during the then residue of the term of ninety nine years last-mentioned, at the election of the purchasers respectively; and that it shall and may be lawful to and for any person or persons, being, as aforesaid, intituled to any estate for three lives now in being, of or in any annuity purchased or obtained upon the said act of the second year of your Majesty's reign, at any time to advance and pay into the said receipt of your Majesty's Exchequer, for your Majesty's use, at or before the respective days and times in this act limited in that behalf, so much money as every or any such annuity, being computed for three years, doth or shall amount

Three lives at three years purchase.

unto, either for changing or converting the same estate for three lives into a certain term for ninety nine years, to be reckoned from the said five and twentieth day of *March*, one thousand seven hundred and four, or for the like annuity to be paid to him, her, or them, his, her, or their executors, administrators, and assigns, from and immediately after the determination of the said estate for three lives, during the then residue of the term of ninety nine years last-mentioned, at the election of the purchasers respectively; and it is hereby declared and appointed, That all the consideration monies to be paid after the respective rates of six years purchase, four years purchase, and three years purchase, in the several and respective cases before-mentioned, shall be paid into the said receipt of Exchequer, for your Majesty's use, at or before the respective days and times herein after-limited (that is to say) one third part thereof on or before the last day of *March* in the year of our Lord one thousand seven hundred and five; one other third part thereof on or before the four and twentieth day of *June*, in the year of our Lord one thousand seven hundred and five; and the remaining third part thereof on or before the nine and twentieth day of *September*, in the year of our Lord one thousand seven hundred and five; and the said annuities for which the said consideration monies shall be so paid after the said rates of six years, four years, and three years purchase, as aforesaid, shall be also paid and payable at the four most usual feasts before-mentioned, by even and equal portions, the first payment thereof to begin and to be made at such of the said feasts as shall next happen after the respective times on which they are to take effect, as aforesaid; nevertheless in all cases where any estate for life or lives shall be, in pursuance of this act, changed into a certain term for ninety nine years, as aforesaid, for avoiding any double payments thereupon, the

The like after the determination for three lives, &c. Consideration monies, &c. to be paid into the Exchequer.

Times of payment.

Annuities to be paid at the four most usual feasts, &c. First payment. Estates for lives changed for 99 years. Quarterly payments thereon to discharge quarterly payments, reckon-

one thousand seven hundred and five; and the remaining third part thereof on or before the nine and twentieth day of *September*, in the year of our Lord one thousand seven hundred and five; and the said annuities for which the said consideration monies shall be so paid after the said rates of six years, four years, and three years purchase, as aforesaid, shall be also paid and payable at the four most usual feasts before-mentioned, by even and equal portions, the first payment thereof to begin and to be made at such of the said feasts as shall next happen after the respective times on which they are to take effect, as aforesaid; nevertheless in all cases where any estate for life or lives shall be, in pursuance of this act, changed into a certain term for ninety nine years, as aforesaid, for avoiding any double payments thereupon, the

quar-

quarterly payments, which shall have been made on the said estate for life or lives, shall be deemed and taken to discharge so many of the quarterly payments, which might otherwise be reckoned for the same time, upon the said certain term of ninety nine years, and then such present estate for life or lives, shall be understood to be merged or extinguished in the said terms of years respectively.

IV. And it is hereby further enacted, That if any person or persons, being intituled to any estate for one, two, or three lives in being, in any such present annuity or annuities, as aforesaid, shall not, on or before the said last day of *March*, in the year of our Lord one thousand seven hundred and five, advance and pay into the said receipt of Exchequer, one third part at the least of such respective rate or consideration money, as is beforementioned, for changing his, her, or their estate for one, two, or three lives into a term certain, or for a future interest, as aforesaid, that then and in every such case, it shall and may be lawful to and for any person or persons whatsoever, natives or foreigners (having or not having any property or interest in such estate for life or lives) at any time or times after the said last day of *March*, one thousand seven hundred and five, and within the respective days and times by this act limited in this behalf, to contribute, advance, and pay into the said receipt of Exchequer, for the purposes aforesaid, such respective rates or consideration monies, as are herein after appointed for purchasing of such annuities, to commence after the determination of the said estates for one, two, or three lives respectively, as are herein after expressed (that is to say) in every or any case where any annuity was purchased upon the said former act for one life only still in being, and the present owner shall have made no further payment for a future interest, or certain term therein, according to this act, any person or persons, as aforesaid, may contribute and pay the consideration money, after the rate of six years purchase for such or the like annuity, to be paid and payable to him, her, or them, his, her, or their executors, administrators, and assigns, from and immediately after the determination of every such estate for a single life (which is to be named in every talley for such purchase money, and in the order thereupon) and to continue from thenceforth for and during all the rest and residue, which shall be then to come and unexpired, of and in the said term of ninety nine years, to be reckoned from the said five and twentieth day of *March*, one thousand seven hundred and four; and in every or any case where any annuity was purchased upon the said former act for two lives still in being, and the present owner shall have made no further payment for a future interest, or a certain term therein, according to this act, any person or persons, as aforesaid, may contribute and pay the consideration-money, after the rate of four years purchase for such or the like annuity, to be paid and payable to him, her, or them, his, her, and their executors, administrators,

ed on the term of 99 years, and then such estates for life to be extinguished.

If one third of the consideration money, &c. be not paid before the last of *March*, 1705, &c. any person, &c. may purchase.

Conditions of purchase for one life,

Two lives,

tors, and assigns, from and immediately after the determination of every such estate for two lives (which are to be named in every talley for such purchase-money, and in the order thereupon) and to continue from thenceforth, for and during all the rest and residue, which shall be then to come and unexpired, of and in the said term of ninety nine years, to be reckoned from the said five and twentieth day of *March*, one thousand seven hundred and four: and in every or any case where any annuity was purchased upon the said former act for three lives still in being, and the present owner thereof shall have made no further payment for a future interest or a certain term therein, according to this act, any person or persons, as aforesaid, may contribute and pay the consideration-money, after the rate of three years purchase, for such or the like annuity to be paid and payable to him, her, or them, his, her, or their executors, administrators, and assigns, from and after the determination of every such estate for three lives (which are to be named in every talley for such purchase-money, and in the order thereupon) and to continue from thenceforth, for and during all the rest and residue, which shall be then to come and unexpired, of and in the said term of ninety nine years, to be reckoned from the said five and twentieth day of *March*, one thousand seven hundred and four. And it is hereby declared and appointed, That all the consideration-monies to be paid by the said persons, who may purchase in default of those who have the present estates for life and lives, as aforesaid, shall be paid in the said receipt of Exchequer for your Majesty's use, after the said last day of *March*, one thousand seven hundred and five, and at or before the respective days and times herein after limited (that is to say) one third part thereof on or before the first day of *May*, in the year of our Lord one thousand seven hundred and five; one other third part thereof on or before the four and twentieth day of *June*, one thousand seven hundred and five; and the remaining third part thereof on or before the nine and twentieth day of *September*, one thousand seven hundred and five; and the said annuities so to be purchased by any persons (in default of those who have the present estates for life or lives, as aforesaid) shall also be paid and payable, at the four most usual feasts in the year before-mentioned, by even and equal portions; the first payment thereof to begin, and to be made at such of the said feasts, as shall next happen after the respective times, from which such annuities are to commence or take effect, as aforesaid.

V. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer, severally there shall be provided and kept a book or books, in which shall be fairly entred the names of all who shall be contributors, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the several sums so paid, and the time when the same are respectively paid; to which book it shall be lawful for the respective

Three lives,
&c.

Consideration-
money to be
paid into the
Exchequer.

Times of pay-
ment.

Annuities
when payable.

Contributors
names to be
entred in the
offices of the
auditor and
clerk of the
pells.

tive contributors, their executors, administrators, and assigns, from time to time, and at all reasonable times, to have resort, and to inspect the same without fee or reward.

Books to be inspected without fee.

VI. And be it further enacted by the authority aforesaid, That all and every the annuities whatsoever, which shall be any way purchased upon, or in pursuance of, this present act, shall be and are hereby charged upon, and shall be paid and payable out of, the overplus of the monies arising from time to time by the weekly payments of excise money aforesaid (that is to say) the money which shall remain, from time to time, over and above so much as shall be sufficient to pay and satisfy the monies, which shall from time to time be incurred and grown due, as well for and upon the said annual sums, after the rate of three pounds *per centum per annum*, as for and upon all the said annuities for lives or years, purchased upon the said act of the second year of your Majesty's reign; and so much of the said overplus monies, as are and shall be sufficient to satisfy and discharge all the annuities to be purchased upon this act, according to the purport and true meaning of the same, are and shall be appropriated and applied to and for the satisfying and discharging of the same accordingly, and shall be issued, disposed, or applied to that use, and to no other use, intent, or purpose whatsoever.

All annuities, &c. to be paid out of the weekly payments, &c.

Overplus to discharge the annuities, and applied to no other use.

VII. And be it further enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the consideration of purchase-money after the respective rates aforesaid, at or before the respective days and times in this act limited in that behalf, for any annuity or annuities whatsoever, allowed to be purchased by this act, according to the true meaning of the same act, or such as he, she, or they, shall appoint, his, her, or their respective executors, administrators, and assigns, shall have, receive, and enjoy, and be intitled, by virtue of this act, to have, receive, and enjoy the respective annuity and annuities so to be purchased, out of the overplus monies arising and to arise, as aforesaid, from the respective times on which such annuities are respectively to commence, for and during such respective term of years, or remaining term of years, as are above-mentioned; and that all and every such purchasers, their executors, administrators, and assigns respectively, shall have good and sure estates and interests in the several annuities so by them to be purchased, according to the nature of their respective purchases, and the tenor and true meaning of this act; and that all annuities to be purchased on this act for any term, estate, or interest whatsoever, shall be free from all taxes, charges, and impositions whatsoever.

Contributors paying the purchase-money, shall enjoy the annuities so purchased,

and have sure estates therein,

free from taxes;

VIII. And be it further enacted by the authority aforesaid, That every contributor upon any part of this act for any of the annuities aforesaid, his, her, or their executors, administrators, or assigns, upon payment of the consideration or purchase-money for the same, at the respective rate in this act before appointed, or any part or proportion thereof, within the time or

and have tallies for the same,

times

times by this act limited in that behalf, shall immediately have one or more talley or tallies levied, importing the receipt of so much consideration-money as shall be so paid, for or in part of the said respective sums to be raised, as aforesaid, and according to the nature of his, her, or their payments respectively; and upon payment of all the purchase-money for any such annuity or annuities, as aforesaid, at the rate by this act appointed, every such contributor respectively, his or her respective executors, administrators, or assigns, shall have an order for payment of such annuity and annuities, for and during such respective term, estate, or interest, as he, she, or they shall or ought to have therein, as aforesaid; which order shall be signed by the treasurer and under treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being; and, after the signing thereof, the same shall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any treasurer or under treasurer of the Exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office or offices of them or any of them, nor shall any lord high treasurer of *England*, treasurer of the Exchequer, or any commissioners of the treasury, now, or for the time being, have power to revoke, countermand, or make void such orders, so signed as aforesaid, or any of them.

and orders for
payment.

No lord trea-
surer, &c. to
revoke the
same.

IX. And for the encouragement of the contributors to advance and pay forthwith, into the receipt of Exchequer, the sums intended by them to be advanced upon any of the terms aforesaid, it is provided and enacted by the authority aforesaid, That every such contributor, who being to pay his or her purchase-money, or any part thereof, on or before the said last day of *March*, one thousand seven hundred and five, shall pay the same, or any part thereof, sooner than the said last day of *March*, shall be paid out of the contribution-money arising by this act, after the rate of five pounds *per centum per annum*, for prompt payment of the money so advanced, from the time of actual paying the same, until the said last day of *March*, one thousand seven hundred and five; and every contributor on this act, who being to pay his or her purchase-money, or any part thereof, on or before the said first day of *May*, one thousand seven hundred and five, shall pay the same, or any part thereof, sooner than the said first day of *May*, shall be paid out of the said contribution-money the like rate of five pounds *per centum per annum*, for such prompt payment of the money so advanced from the time of actual paying the same, until the said first day of *May*, one thousand seven hundred and five.

5l. per cent.
for prompt
payment.

Contributors,
&c. may as-
sign or devise
annuities and

X. And be it further enacted, That it shall and may be lawful to and for any contributor, his or her executors, administrators, or assigns, at any time or times, having any present or future term, estate, or interest, or any present estate to take effect

effect *in futuro*, of and in any annuity to be purchased upon this act, or of or in any part of such annuity, by any writing under hand and seal, or by his or her last will in writing, to assign or devise such annuity and annuities, or any part thereof, or any interest therein, to any person or persons whatsoever, and so *toties quoties*, and no such assignment to be revokable; so as an entry or memorandum of such assignment or will be made in books to be kept for that purpose in the said office of the auditor of the receipt, within the space of two months after such assignment, or death of the devisor; and that upon the producing such assignment, or will, or probate thereof, in the said office of receipt, to be entred as aforesaid, the party so producing the same, shall bring therewith an affidavit, taken before some person authorized to take affidavits in causes depending in any of the courts at *Westminster*, of the due execution of the said assignment or will, which affidavits shall be severally filed in the said office; which said entry or memorandum the proper officers, in the said receipt of the Exchequer, are hereby required to make accordingly, and to file the said affidavits; and in default of such assignment or devise, by deed or will, the interest of such contributor shall go to his or her executors or administrators.

fo toties quoties.

Entry of such assignments, &c. to be made on affidavit. Affidavits to be filed. In default of assignment or devise, &c. interest of contributor to go to his executors, &c.

XI. And be it further enacted, That it shall and may be lawful for any guardian or trustee, having the disposal of the money of any infant under the age of one and twenty years, for the use and benefit of such infant, to advance and pay the sum of one hundred and fifty pounds, of the money of such infant, to purchase any annuity upon this act for the benefit of such infant; and the said guardian and trustee, as to the said sum of one hundred and fifty pounds so advanced, is hereby discharged.

Guardians may advance 150l. for the benefit of infant to purchase any annuity on this act.

XII. And be it further enacted, for the better encouraging persons to advance the said several sums on this act, That all receipts and issues, and all other things directed by this act to be performed in the Exchequer, shall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity, or reward for the same; and in case any of the officers of the Exchequer shall take or demand any such fee or reward, or shall divert or misapply any of the said weekly sums to be paid into the receipt of Exchequer, or any part of the monies which should make good the payment of the said annuities, or shall pay or issue out of the same, otherwise than according to the intent of this act, or shall not keep books and registers, and make entries, and do and perform all other things, which by this act they are required to perform, every such officer shall forfeit his office, and be for the future incapable of any office or place of trust, and shall answer and pay treble damages, with costs of suit, to every contributor or person who shall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein

All receipts and issues in the Exchequer to be done without fee.

Penalty.

Plaintiff on recovery to have full costs.

In case of faint prosecution, any other contributor, &c. may bring another action.

None to purchase any annuity, unless one third part of the purchase-money be paid in by the last of March, 1705.

or unless one third be paid in by the first of May, 1705.

Contributors advancing one third part, and not paying the two other parts of the consideration money within the times limited,

such money, so paid in, to be forfeited, &c.

no effoin, protection, privilege of parliament, or other privilege, wager of law, injunction, or order of restraint, or more than one imparlance, shall be granted or allowed; and in the said action the plaintiff upon recovery shall have his full costs, one third part of which sum, so to be recovered for damages, shall be to the use of your Majesty, your heirs and successors; and the other two third parts, with the costs, shall be to the use of the prosecutor: and in case there shall be any collusion or faint prosecution between the plaintiff and defendant in such action, it shall be lawful for any other contributor, his or her executors, administrators or assigns, to bring another action, wherein he shall recover as aforesaid, to the like uses as aforesaid.

XIII. Provided always, That no person or persons whatsoever shall or may purchase or obtain any annuity upon this act, for which the purchase-money, or any part thereof, is hereby appointed to be paid on or before the said last day of *March*, one thousand seven hundred and five, unless the whole, or one third part of the consideration-money for the same, at such respective rates as aforesaid, be advanced and paid into the said receipt of Exchequer on or before the said last day of *March*, in the year of our Lord one thousand seven hundred and five; and that no person or persons whatsoever shall or may purchase or obtain, or be admitted to purchase or obtain, any annuity upon this act, for which the purchase-money, or any part thereof, is hereby appointed to be paid on or before the said first day of *May*, one thousand seven hundred and five, unless the whole, or one third part of the consideration-money for the same, at such respective rate, as aforesaid, be advanced and paid into the said receipt of Exchequer on or before the said first day of *May*, one thousand seven hundred and five.

XIV. Provided also, That in case any such contributor, as aforesaid, who shall, on or before the respective days by this act appointed for his or her first payment, have advanced one third part only of his or her purchase-money, his or her executors, administrators, or assigns do not advance and pay, into the receipt of Exchequer, one other third part of his or her consideration-money so to be paid for such respective annuity or annuities, as aforesaid, on or before the said four and twentieth day of *June*, one thousand seven hundred and five; and the remaining third part thereof on or before the said nine and twentieth day of *September*, one thousand seven hundred and five; then, and in every such case respectively, no order shall be drawn or signed for such respective annuity, for which the consideration-money shall not be fully paid, as aforesaid; but so much of the consideration-money, as shall have been actually paid into the Exchequer for such respective annuity, shall be forfeited and lost to your Majesty, your heirs and successors, and be applied, together with other the monies to be raised by this act, for the purposes aforesaid; any thing in this act contained to the contrary notwithstanding.

XV. Pro^v

XV. Provided always, and it is hereby enacted, That it shall and may be lawful to and for the lord treasurer, or commissioners of the treasury for the time being, out of any of the monies of the said weekly payments, to reward the officers and clerks in the Exchequer to be employed in the payment of the said annuities, or any of them, for their labour, pains, and service therein respectively, in such proportions as to the said lord treasurer, or commissioners of the treasury for the time being, shall seem meet and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

Allowances to officers and clerks employed, &c.

C A P. III.

An act for continuing the duties upon malt, mum, cyder, and perry, for one year. EXP.

C A P. IV.

An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muslins; and for granting new duties upon several of the said commodities, and also upon callicoës, China ware, and drugs.

Most gracious Sovereign,

WHEREAS by an act of parliament made and passed in the twelfth year of the reign of your Majesty's late royal brother King William the Third (of glorious memory) intituled, An act for granting to his Majesty several duties upon low wines or spirits of the first extraction, and continuing several additional duties upon coffee, tea, chocolate, spices, and pictures, and certain impositions upon hawkers, pedlars, and petty chapmen, and the duty of fifteen *per centum* upon muslins, and for improving the duties upon japanned and lacquered goods, and for continuing the coinage duty, for the several terms and purposes therein mentioned, *certain duties upon low wines, or spirits of the first extraction, were granted for a term, to continue until the twenty fifth day of March, one thousand seven hundred and six; and certain duties, which by an act of the sixth year of his said late Majesty's reign, had been imposed upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, were by the said act of the twelfth year of his said late Majesty's reign, enacted to be continued until the first day of May, one thousand seven hundred and six; and by the same act certain duties or sums of money to be paid by every hawker, pedlar, petty chapman, and other trading persons described in a former act for licensing hawkers and pedlars, and the powers for granting such licences, were enacted to be continued until the four and twentieth day of June, one thousand seven hundred and six; and a duty upon muslins, after the rate of fifteen pounds for every one hundred pounds of the true and real value thereof, was likewise, by the said act of the twelfth year of his said late Majesty's reign, enacted to be continued until the thirtieth day of September, one thousand seven hundred and six, as by the same act (relation being thereunto*

12 W. 3. c. 21.

6 W. 3. c. 7.

9 & 10 W. 3.

c. 27.

payable to her Majesty, her heirs and successors, upon this act, in as full and ample manner, to all intents and purposes, as if the said powers, directions, penalties, forfeitures, clauses, matters, and things, and every of them, were again repeated and re-enacted in the body of this present act.

Clause of 2 W.
& M. f. 2. c. 9.
sect. 12. re-
vived.

III. And it is hereby enacted, That a certain clause in an act made in the second year of the reign of King *William* and Queen *Mary*, intituled, *An act for the encouraging the distilling of brandy and spirits from corn, and for laying several duties on low wines or spirits of the first extraction*, relating to strong waters, brandy, *Aqua vitæ*, and other exciseable liquors brought from the islands of *Guernsey*, *Jersey*, *Sark*, or *Alderney*, and all the charges, duties, penalties, and every article and thing therein contained, which were revived by the said act of the twelfth year of his said late Majesty's reign, and were to be of full force during the continuance thereof, shall be further continued, and be of full force and virtue, during the continuance of this present act, in as full and ample manner, to all intents and purposes, as if the said clause were herein word for word repeated.

Penalty on
pedlar letting
out his or her
licence.

IV. And whereas great abuses have been committed by several persons in lending or letting out to hire the licences by them taken out to trade as hawkers, pedlars, or petty chapmen; be it enacted and declared by the authority aforesaid, That from and after the first day of *May*, one thousand seven hundred and five, every person, who being actually trading as an hawker, pedlar, or petty chapman (for which he or she ought to have a licence, pursuant to this or the said act of the twelfth year of his said late Majesty's reign) shall not, upon demand, have his, her, or their licences ready to be produced, shall be adjudged to forfeit, as if such person had traded without any licence granted to him, her, or them; and such person in that case shall and may be committed, and the forfeiture recovered and levied in such manner, as is directed by this or any of the former acts for licensing hawkers, pedlars, and petty chapmen, in case of trading without licence: and that from and after the said first day of *May*, one thousand seven hundred and five, in case any person shall lend or let out to hire any licence to him or her granted, the person lending or letting out to hire such licence, and the person trading under colour of the same, shall either of them forfeit the sum of forty pounds, one moiety thereof to the Queen's majesty, the other moiety thereof to any person that will inform or sue for the same, to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of her Majesty's courts of record, and the person so lending or letting out to hire such licence shall also forfeit the same.

V. And for the increasing her Majesty's revenues upon some of the commodities before in this act charged (to wit) upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, to be imported within or during the term herein after-mentioned; and to the end more money may be raised thereby for carrying on the said war, and other

other her Majesty's most necessary occasions, it is hereby further enacted by the authority aforesaid, That there shall be answered and paid to her Majesty, her heirs and successors, for and upon all and all manner of coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, which shall be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, at any time or times after the first day of *February*, one thousand seven hundred and four, and before the four and twentieth day of *June*, one thousand seven hundred and ten, over and above all duties, and additional duties already payable for the same, or any of them, by any other law now in force, and over and above the said continued duties chargeable thereupon by this act, the new additional rates and sums following; that is to say, for every hundred weight of coffee imported, as aforesaid, accounting one hundred and twelve pounds to the hundred, six and fifty shillings of lawful *English* money; for every hundred weight of cocoa nuts imported, and containing as aforesaid, from any the plantations belonging to the crown of *England*, six and fifty shillings; for every hundred weight of cocoa nuts imported, and containing as aforesaid, from any other country or place from whence they may by law be imported, four pounds and four shillings of like lawful *English* money; for every pound of chocolate ready made, and imported as aforesaid, one shilling; for every pound of cocoa paste, imported as aforesaid, two shillings; for every pound of tea, regularly imported as aforesaid, from whence the same might lawfully have been imported before the making of the said act of the sixth year of his said late Majesty's reign, one shilling; for every pound of tea, imported as aforesaid, from *Holland*, or any other country, not the place of its growth, or usual shipping, two shillings and six pence, and so proportionably for any greater or lesser quantity of any the commodities imported as aforesaid, respectively; for all nutmegs, cinnamon, cloves, and mace imported as aforesaid, five pounds for every hundred pounds value thereof, according to the several values charged on them respectively in the book of rates, and so in proportion for any greater or lesser quantity thereof; and for all pictures imported within the time aforesaid, whether for private use, or sale (which are hereby permitted to be imported during the continuance of this act, any law or usage to the contrary notwithstanding) twenty pounds of lawful *English* money per centum of the value, to be affirmed by the oath of the importer, and so in proportion for any greater or lesser quantity thereof.

VI. Provided always, and it is hereby enacted, That it shall and may be lawful for any person or persons to import into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, during the continuance of this act, nutmegs, cinnamon, cloves, mace, and tea, subject to the several duties payable for the same, from any parts beyond the seas, in *English* ships, so as the master, and at least one moiety of the mariners, during the continuance of the present war, be *Englishmen*; and

Duties on coffee, &c. continued, and to pay 5s. per hundred additional duty.
10 Geo. 1. c. 10.
12 Geo. 2. c. 26.

Cocoa nuts 5s. per hundred from the plantations: from any other country 4l. 4s. per cent.
Chocolate imported 2s. d. per lib.
Cocoa paste 2s. per lib.
Tea 1s. per lib.
Tea imported from *Holland*, &c. 2s. 6d. per lib.
Nutmegs, cinnamon, cloves, and mace imported 5l. per cent.
Pictures 10l. per cent.

Proviso for importing nutmegs, cinnamon, &c.

Repealed as to
tea by 7
Geo. 1. c. 21.
f. 12.

Drawback al-
lowed on ex-
portation, &c.

See 7 Geo. 1.
stat. 1. c. 21.
f. 11.

Additional
duties on

so as after the end of this war, and during the continuance of this act, the master and at least three fourths of the mariners be *English*; and so as notice be first given to the commissioners of her Majesty's customs, of the quality and quantity of the said spices and tea so intended to be imported, and the place in which they intend to import the same; and taking a licence under the hands of the commissioners of the customs for the time being, or any three of them, for the lading and importing thereof, as aforesaid; which licence they are hereby authorized and required to grant without any fee or reward, or any other charge to the person demanding the same; any law, custom, or usage to the contrary notwithstanding.

VII. And be it enacted by the authority aforesaid, That all the additional duties last-mentioned, for and upon the said coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, to be imported, from and after the said first day of *February*, one thousand seven hundred and four, at any time or times before the said four and twentieth day of *June*, one thousand seven hundred and ten, and all arrearages thereof (over and above all other duties on the same commodities respectively) shall be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, to the uses and purposes in this act expressed, by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and subject to such drawbacks, allowances, and repayments to be made, of or out of the said additional duties last-mentioned respectively, upon the exportation of the said commodities last enumerated (coffee, tea, and cocoa nuts, for which other provision is made by this act, only excepted) or any of them respectively, as the like respective duties, by virtue of the said act of the twelfth year of his said late Majesty's reign, or by virtue of this present act, or any other act now in force relating thereunto, are to be ascertained, secured, raised, levied, recovered, answered, paid, or accounted for, during the continuance thereof respectively; and upon the exportation of coffee, tea, and cocoa nuts, within the times limited by law, so much as shall have been paid for the same, for such of the said duties as are by this act to commence from the said first day of *February*, one thousand seven hundred and four, shall be repaid to the exporter, under such regulations as are prescribed by any former acts for drawbacks, in case of exportation of those commodities respectively.

VIII. And her Majesty's said dutiful and loyal subjects, the commons of *England* in parliament assembled, being desirous by the most reasonable ways and means to raise the monies necessary for carrying on the said war, and other her Majesty's important occasions, have for that end and purpose also given and granted to her Majesty the further duties herein after mentioned: and be it enacted, and it is hereby further enacted by the authority aforesaid, That there shall be answered and paid to her Majesty, her heirs and successors, for and upon all white callicoes,

callicoes, porcelan, commonly called *China* ware, and drugs (except drugs for dying) which from and after the first day of *February*, one thousand seven hundred and four, and at any time or times before the said four and twentieth day of *June*, one thousand seven hundred and ten, are or shall be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed* (over and above all other duties payable for the same at the custom house) the further rates and sums following; that is to say, for and upon all white callicoes (by which are meant, all callicoes which do not pay duties as muslins, and all dimities and other manufactures made of cotton) which within the times aforesaid shall be imported, as aforesaid, a duty after the rate of fifteen pounds of lawful *English* money for every hundred pounds of the true and real value of the said callicoes, to be ascertained upon the sale at the candle, as is herein after mentioned; and for and upon all porcelan, commonly called *China* or *Japan* ware, made of earth, which within the times aforesaid are or shall be imported as aforesaid, a duty after the rate of twelve pounds of like money for every hundred pounds of the true and real value thereof, to be also ascertained by the sale at the candle, as is herein after mentioned; and for and upon all drugs (dying drugs excepted) which are rated in the book of rates, and are or shall be imported as aforesaid, a duty after the rate of ten pounds of like money for every hundred pounds worth thereof, according to the several values charged on them respectively in the said book of rates; and for and upon unrated drugs (dying drugs excepted) which are or shall be imported within the days and times last mentioned, a duty after the rate of four pounds of like money for every hundred pounds of the true and real value thereof, to be ascertained as is herein after mentioned, and so proportionably for any greater or lesser quantity of any the commodities last mentioned respectively: and it is hereby declared, That by *unrated drugs*, chargeable by this act, are meant, all bark called *clove bark*, all bark called *jesuits bark*, *callabasha*, *caffena*, *feebia*, *brugiata*, *grana germanica*, gum mountjack, jessamine ointment, *lapis byacinthiæ*, oil of anniseeds, oil of carraway-seeds, oil of cinnamon, oil of cloves, oil of *copavia*, or balsam of *copavia*, oil of juniper, oil of *lignum rhodium*, oil of peony, oil of saffrafs, pomatum, *sal tamariscæ*, and all chymical salts, snake root, *terra dulcis*, turpentine of *Germany*, all chymical preparations, physical oils and medicinal drugs (excepting unrated drugs used for dying, and except coffee, tea, chocolate, cocoa paste, and cocoa nuts.) And it is hereby also declared, That by such dying goods, as are by this act, or any other acts, exempted from payment of the respective duties by this or the said other acts granted, are meant the goods following (*viz.*) *aqua-fortis*, *argoll*, *anotto*, allum of all sorts, *archelia* or *Spanish weed*, cocheneal, cream of tartar, copperas of all sorts, gum arabick, gum *seneca*, sticklack, cakelack, madder roots, or *rubia tinctorum*, saunders red, sal armoniack, sal gem, turnsole, verdigrease, ising glass, plaitain, litharge of all sorts,

white callicoes, porcelan, and drugs.
Continued by 6 Annæ, c. 22. for 4 years, and perpetuated by 7 Ann. c. 7. f. 26.

Callicoes 15l. per cent.

China wares 12l. per cent.

Drugs (except dying drugs) 10l. per cent.

Unrated drugs 4l. per cent.

What is meant by unrated drugs.

bay-

By 1 Geo. 1.
stat. 2. c. 41.
f. 3. senna is
to pay duties.

bayberries, antimony, pomegranate, pills arsenick, agarick, senna, gauls, indico of all sorts, litmus, madder of all sorts, orchall, saffiore, shumack, *cassumba*, log wood, brazile wood, brazeletto wood, nickerago wood, fustick, red wood, sapan wood, woad, weld, valonia grain or scarlet powder, grain of *sevil* in berries, and grains of *Portugal* or *Rota*, *English* berries from the plantations, *French* berries, and salt petre.

How the duties on callicoes shall be ascertained and paid;

IX. And be it further enacted by the authority aforesaid, That the said duties hereby granted for and upon all white callicoes imported, shall be secured, ascertained, valued, raised, levied, collected, answered, and paid, according to the gross price thereof, upon sale at the candle, by such ways and means, and subject to such of the like allowances, and under such penalties and forfeitures, and in such manner and form, as the duties of fifteen *per centum* on muslins imported, by the said act of the twelfth year of his said late Majesty's reign, are to be secured,

22 W. 3. c. 11.

and the duties on China ware and unrated drugs.

raised, levied, collected, answered, or paid; and that the said respective duties hereby granted, for and upon the said *China* or *japan* ware, and for and upon all such of the said unrated drugs, imported from the *East Indies*, *Persia*, *China*, or other parts within the limits of the charters granted to the *East India* companies, shall be secured, ascertained, valued, raised, levied, collected, answered, and paid, according to the prices thereof, upon sale at the candle, by such ways and means, and with such several and respective allowances, and under such penalties and forfeitures, and in such manner and form, as the duties of unrated goods from the *East Indies*, *China*, or other parts within the limits of the charters granted to the *East India* companies, are enacted, prescribed, or appointed to be secured, ascertained, valued, raised, levied, collected, answered, or paid, by an act passed in the second year of her Majesty's reign, intituled, *An act for granting to her Majesty an additional subsidy of tannage and poundage for three years, and for laying a further duty upon French wines condemned as lawful prize, and for ascertaining the values of unrated goods imported from the East Indies*: and that the value of all such of the said unrated drugs, as shall be imported from any parts or places (other than the *East Indies*, *Persia*, *China*, and other parts within the limits of the charters aforesaid) according to which the said duty of four *per centum* is to be paid, shall be affirmed by the oaths of the importers of such drugs respectively.

1 Annæ, c. 9.

Importer to pay the 4l. per cent. on unrated drugs.

X. And be it further enacted by the authority aforesaid, That the said duties of four *per centum*, by this act imposed upon unrated drugs, imported from parts not within the limits of the charters granted to the said *East India* companies, shall be paid by the respective importers of the same upon the importation thereof.

Goods landed before entry forfeited.

XI. And it is hereby enacted, That in case any of the said callicoes, *China* ware, rated or unrated drugs, hereby charged as aforesaid, shall be landed or put on shore out of any ship or vessel, before due entry be made thereof at the custom house in the port or place where the same shall be imported, and before the

the

the said duties by this act charged or chargeable thereupon shall be secured or paid; as this act doth require in the respective cases aforesaid, or without a warrant for the landing or delivering the same, first signed by the commissioners, collectors, or other proper officer or officers of the customs respectively, that all such imported callicoos, *China* wate, and drugs, as shall be so landed and put on shore, or taken out of any ship or vessel, contrary to the true meaning hereof, or the value of the same, shall be forfeited, and shall and may be seized or recovered of the importer or proprietor thereof (to wit) two thirds of the same to the use of her Majesty, her heirs or successors (he or they bearing the charge of prosecution) and the other third to the use of such person or persons as will seize, inform, or sue for the same, or the value thereof, by action, bill, suit, or information, wherein no essoin, protection, or wager of law shall be allowed.

XII. Provided always, and be it further enacted and declared by the authority aforesaid, That in case any of the said callicoos and *China* wares, upon which the said further duties by this act granted are paid or secured to be paid, as aforesaid, be again exported at any time or times within twelve months by *English*, or within nine months by aliens; or if any of the said rated or unrated drugs, for which the said further duties by this act granted shall be paid as aforesaid, be again exported by any *English* merchants within eighteen months, or by aliens within nine months, to be accounted from the respective times of the entry of the said goods inwards, and that due proof be first made upon oath, that the said callicoos, *China* wares, and drugs so exported be the same for which the said duties are paid and secured to be paid, as aforesaid, that then and in every such case (and not otherwise) the same duties so paid shall, without any delay or reward, be wholly repaid out of any the duties on imported commodities by this act granted, or the security, for such of the said duties as shall be secured, shall be vacated, as to so much of the said callicoos, *China* wares, and drugs, as shall be so exported; any thing in this act to the contrary notwithstanding.

On exportation duties to be repaid. *These twelve, nine, and eighteen months, are enlarged to 3 years by 7 Geo. 1. stat. 1. c. 21. s. 10.*

XIII. And it is hereby further enacted, That all the duties by this act granted or continued (except the necessary charges for raising and managing the same) shall, from time to time, by the respective receivers thereof, be brought into her Majesty's receipt of the Exchequer, for the purposes in this act mentioned.

Duties to be paid into the Exchequer.

XIV. Provided nevertheless, That whereas several doubts have arisen touching traders in the woollen or linen manufactures, who trade by wholesale, and set many thousands of poor to work, and yet, for want of the convenience of water carriage, are obliged to send their goods, when manufactured, by horses and otherwise to the publick markets, fairs, and other places; be it enacted and declared by the authority aforesaid, That all persons trading in the woollen or linen manufactures of this kingdom, and selling the same by wholesale, shall not be deemed or taken to be hawkers, pedlars, or petty chapmen within this

Wholesale traders not to be deemed pedlars.

or any other act, but that such person or persons, and those that shall be immediately employed under them to sell by wholesale only, may carry abroad, expose, and sell the said manufactures; any thing in this act or any other act or acts to the contrary thereof notwithstanding.

Proviso.

XV. Provided always, and it is hereby declared, That no goods or merchandizes imported or brought into any ports of *England* or *Wales*, before the said first day of *February*, one thousand seven hundred and four, and afterwards imported or brought into any other port or ports of this kingdom from the ports where they so first arrived, shall be liable to pay the new duties by this act granted, to commence from the same first day of *February*; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Clause of loan
not exceeding
700,000 l. at
6l. per cent.
22 W. 3. c. 21.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to lend to her Majesty, at the receipt of the Exchequer, upon credit of all the monies which shall arise by the said act of the twelfth year of his said late Majesty's reign, after satisfaction of all the loans, not exceeding three hundred thousand pounds, made thereupon, and all the interest due and to be due for the said loans, and every of them, or reserving sufficient to satisfy the same, and upon credit of all the several duties upon low wines and spirits of the first extraction, coffee, tea, chocolate, cocoa, spices, and pictures, hawkers, pedlars, petty chapmen, and muslins, by this act continued, as aforesaid, and upon credit of the additional duties of coffee, tea, chocolate, cocoa, spices, and pictures, by this act granted, and of the new duties upon callicoes, *China* ware, and drugs, and upon credit of all other duties by this act granted or continued; any sum or sums of money, not exceeding in the whole the sum of seven hundred thousand pounds, at an interest not exceeding the rate of six pounds *per centum per annum*.

See 6 Annæ,
c. 22. & 3
Geo. 1. c. 7.
s. 19.

Money to be
paid into the
Exchequer.

XVII. And to the end all the money, that shall be so lent to her Majesty, may be well and sufficiently secured and repaid with interest, as aforesaid; be it further enacted by the authority aforesaid, That all the monies arising by the said duties, upon which the said loans are to be made (other than the necessary charges of raising and managing the said duties) shall be brought and paid from time to time weekly into the receipt of the Exchequer; that is to say, on *Wednesday* in every week, if it be not an holiday, and if it be, then the next day after that is not an holiday; and that there shall be provided and kept in her Majesty's Exchequer, that is to say, in the office of the auditor of the receipt, one book, in which all the said monies, which shall be so paid into the Exchequer, shall be entred apart and distinct from all other monies paid or payable to her Majesty, her heirs and successors, upon any account whatsoever.

A book to be
kept for en-
tring the
same.

Tallies of
loan to be le-
vied.

XVIII. And be it further enacted by the authority aforesaid, That from time to time upon making of such loans to be made

in pursuance of this act, as aforesaid, tallies of loan shall be levied for all and every sum and sums of money so to be lent; and that orders, according to the course of the Exchequer, shall be drawn and signed for repayment of the same, and for payment of such interest, as aforesaid, for the forbearance thereof, the said interest to be paid every three months, until satisfaction of the principal sum; and that all and every such order and orders, and the monies therein to be contained, or any part thereof, shall be assignable and transferrable without power of revocation, so as the assignments thereof be indorsed upon the respective orders, and entred and notified in the office of the auditor of the receipt of Exchequer, in a book to be there kept for that purpose; and that a distinct register shall be kept in the said receipt of Exchequer of all the said orders of repayment, not exceeding seven hundred thousand pounds principal money, in which the said orders shall be registred in course, according to the date of the tallies respectively, without any other preference of one before another; and that every person shall be paid in course, as his order shall stand entred in such register book, out of the monies arising by the said duties or payments, upon the credit whereof the said loans shall be made, as aforesaid, which are hereby appropriated thereunto; and that no fee, reward, or gratuity, directly or indirectly, shall be demanded or taken for providing or making any such book or register, or for any view or search in the same, by any of her Majesty's officers, their clerks or deputies, on pain of forfeiting treble damages to the party grieved, with treble costs of suit, to be recovered by action of debt, or on the case, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, by any person or persons who will sue for the same, wherein no esoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, shall be granted or allowed, either for demanding or taking any such fee or gratuity, or for giving any undue preference in point of registry or payment, or for diverting or misapplying any of the monies of the said duties, contrary to the true meaning of this act.

Orders for repayment.

Interest paid every three months. Orders may be assigned.

A distinct register to be kept of all the orders of repayment. Orders to be paid in course.

No fee to be taken for registering or searches.

Penalty.

No undue preference.

XIX. Provided always, That if it shall happen that several of those tallies, and orders bear date, or be brought the same day to the auditor of the receipt to be registred, it shall be interpreted no undue preference which of those be entred first.

XX. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, or the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their monies, and bring their orders, before other persons that did not come to demand their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; yet so as that interest of loan shall in that case cease from the time the money is so reserved and kept in bank for them.

CAP. V.

Two thirds
subsidy.

An act for granting to her Majesty a further subsidy on wines and merchandizes imported.

Most gracious Sovereign,

9 W. 3. c. 23.
This duty is
made perpetual
by 7 Ann. c. 7.
3 Geo. 1. c. 12.
3 Geo. 1. c. 2.
& 5 Geo. 1.
c. 3. and part
of the aggre-
gate fund.

WHEREAS by an act of parliament made and passed in the ninth year of the reign of your Majesty's late royal brother King William the Third, of glorious memory, intituled, An act for granting to his Majesty a further subsidy of tunnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses, therein mentioned, during his Majesty's life, it was enacted, That over and above all subsidies of tunnage and poundage, and over and above all additional duties, impositions, and other duties whatsoever, therein mentioned, there should be raised and paid to his Majesty one other subsidy, called Tunnage, for and upon all wines, which from and after the last day of January, in the year of our Lord one thousand six hundred ninety nine, at any time or times during his Majesty's life, should be imported or brought into the kingdom of England, dominion of Wales, or town of Berwick upon Tweed; and one further subsidy, called Poundage, of all manner of goods and merchandizes imported or brought into this realm, or any his Majesty's dominions to the same belonging, at any time or times after the said last day of January, one thousand six hundred ninety nine, during his Majesty's life, by way of merchandize (except such goods and merchandizes as are therein excepted) and with such abatements, regulations, directions for making repayments or allowances upon exportation, and subject to such rules, and other matters and things touching the said several subsidies, as in the said act are expressed; which said further subsidies of tunnage and poundage, and other duties upon wine, goods, and merchandizes, granted by the act above recited, are to be raised and paid to your Majesty during your life, by virtue of another act of parliament made and passed in the first year of your Majesty's reign, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown: and by another act made and passed in the second year of your Majesty's reign, intituled, An act for granting to her Majesty an additional subsidy of tunnage and poundage for three years, and for laying a further duty upon French wines condemned as lawful prize, and for ascertaining the values of unrated goods imported from the East Indies, a further subsidy of tunnage upon all wines, which were to be imported during the term therein mentioned (that is to say) one third part of such or the like duties, as by the said recited acts, or either of them, were imposed upon wines; and one other subsidy of poundage of goods and merchandizes, which were to be imported during the term therein mentioned (that is to say) one third part of such or the like several duties as by the said recited acts, or either of them, are imposed upon the same goods and merchandizes respectively (except as therein is excepted) are already granted to your Majesty, in the manner therein expressed, as by the said several acts (relation being there-

1 Anne, stat. 1.
c. 7.
2 Anne, c. 9.

See 3 Geo. 1.
c. 3. f. 34.

unto severally had) may more fully appear: now we your Majesty's most dutiful and loyal subjects, the commons of *England* in parliament assembled, for the better enabling your Majesty to carry on the present war, and to defray your other necessary expences, do cheerfully and unanimously give and grant unto your most excellent Majesty the additional rates, duties, and sums of money, herein after mentioned, and do most humbly beseech your Majesty, that it may be enacted: and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That over and above the subsidies of tunnage and poundage above mentioned, and over and above all other subsidies, additional duties, impositions, and payments, whatsoever, by any other act or acts of parliament, or otherwise however already due or payable, or which ought to be paid to her Majesty for or upon any wines, goods, or merchandizes whatsoever, imported or to be imported, there shall be raised, levied, collected, paid, and satisfied unto her Majesty, one other subsidy, called *Tunnage*, for and upon all wines, which from and after the eighth day of *March*, one thousand seven hundred and four, at any time or times within or during the space of four years from thence next and immediately ensuing, shall be imported or brought into the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, (that is to say) two third parts of such or the like several and respective duties, as by the said act of the ninth year of his said late Majesty's reign were granted, and by the said act of the first year of her Majesty's reign are continued and payable for or upon any kind of wine or wines respectively: and one other subsidy, called *Poundage*, of all manner of goods and merchandizes to be imported or brought into this realm, or any her Majesty's dominions to the same belonging, at any time or times after the said eighth day of *March*, one thousand seven hundred and four, during the said term of four years, by way of merchandize (that is to say) two third parts of such or the like several and respective duties, as by the said act of the ninth year of his said late Majesty's reign were granted, and by the said act of the first year of her Majesty's reign are continued and payable for or upon the same goods and merchandizes respectively; except tobacco, and such currans as shall be imported in *English* built shipping, navigated according to the laws now in force, and sugar from the *English* plantations, and such goods and other merchandizes as by the two acts last mentioned, or either of them, are exempted from payment of the subsidies thereby granted.

Additional duty of tunnage granted for 4 years.

On all wines imported.

Additional poundage. See 11 Geo. 1. c. 7.

Except tobacco and currans, and sugar from the English plantations.

II. And it is hereby enacted, That in all cases where by the said two acts last-mentioned, or either of them, any drawbacks or abatements are to be made of the whole or any part of the duties thereby imposed, there shall be in the like cases proportionable drawbacks and abatements made of the whole or part of the duties by this act granted respectively; and that the several

Duties how to be raised and levied, and drawbacks proportioned.

Currans imported in Venetian ships provided for by 8 Annæ, c. 13. l. 21.

Acts aforesaid to be in force for levying the duties hereby granted.

Exception.

Penalty on officer taking fee for entry, &c.

Proviso.

Act not to affect foreign stores sold for the use of the navy.

ral subsidies and duties by this act granted, during the continuance thereof, shall be raised, collected, levied, secured, and paid, by the same ways, means, and methods, and under such penalties and forfeitures, and subject to such rules and directions, as in and by the said former acts, or any of them, are prescribed or appointed touching or concerning the said subsidies of tunnage and poundage, which were thereby granted; as aforesaid; and that every article, rule, and clause contained in the said recited acts, or any of them, concerning the said subsidies of tunnage and poundage formerly granted, as aforesaid, and now in force, so far forth as the same do or may relate to the subsidies or duties formerly granted, as aforesaid, shall be used, exercised, and put in practice, for the raising, levying, collecting, and answering the subsidies and duties hereby before granted, as fully and effectually, as if the same articles, rules, and clauses, and every of them, were again particularly and at large recited and re-enacted in the body of this present act; except only as to such of the said articles, rules, and clauses, touching which other provisions, alterations, or exemptions are made by any act or acts of parliament now in being; which other provisions, alterations, or exemptions shall be observed, with respect to the duties hereby granted, during the continuance of this act, in the same manner as they are to be observed with respect to the said subsidies formerly granted, as aforesaid.

III. And be it further enacted by the authority aforesaid, That the officers of her Majesty's customs, or any of them, or any of their clerks or substitutes, shall not directly or indirectly receive, take, or demand any fee, gratuity, or reward whatsoever, from any her Majesty's subjects or aliens for any entry, warrant, debenture, certificate, cocquet, or other matter or thing to be done or performed by them or any of them, in relation only to the said subsidies of tunnage and poundage herein before granted, on pain of forfeiting for every such offence the sum of forty pounds (to wit) one third thereof to her Majesty, and the other two thirds thereof (besides costs of suit) to the party grieved, who may sue for the same by action of debt, or on the case, bill, suit, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed.

IV. Provided, That nothing in this act shall extend, or be construed to extend, to charge any goods or merchandize chargeable by this act, imported in any port of *England* or *Wales* before the said eighth day of *March*, one thousand seven hundred and four.

V. Provided nevertheless, and be it enacted by the authority aforesaid, That the new or additional duties imposed by this act, shall not extend to affect such foreign stores, as have been sold to the use of her Majesty's navy, by contract with the navy board, before the five and twentieth day of *December*, one thousand seven hundred and four, so as a certificate be given from the commissioners of the navy, that such foreign stores have been

fo contracted for by them for her Majesty's service, as aforesaid; and so as the importer of the same do make oath before the commissioners appointed to manage the customs (which oath they are hereby impowered to administer) of the truth of the said contract, and that he will deliver the said goods into her Majesty's stores, pursuant to the contract so certified by the commissioners of the navy.

VI. And be it further enacted by the authority aforesaid, That all the monies, arising by the said subsidy of tunnage and poundage, and other the duties hereby granted, as aforesaid (except the necessary charges of raising and answering the same) shall from time to time be brought and paid into the receipt of her Majesty's Exchequer; and that it shall and may be lawful to and for any person and persons, natives or foreigners, bodies politick or corporate, to lend to her Majesty at the said receipt, upon credit thereof, any sum or sums of money, not exceeding in the whole the sum of six hundred thirty six thousand nine hundred fifty seven pounds, four shillings, and a halfpenny; and to have and receive, for the forbearance thereof, interest after the rate of six pounds *per centum per annum*, to be paid every three months from the making of such loans, until satisfaction of the principal sums respectively; and that the monies so to be lent shall not be rated or assessed to any tax or assessment whatsoever; and that every such lender shall immediately have a talley of loan struck for the money by him, her, or them lent, and an order of the same date for repayment thereof, with such interest as aforesaid; and that all such orders shall be registered in course, according to their dates, on a register to be kept by the auditor of the said receipt for that purpose; and all persons on the said register shall be paid in course, as their orders shall stand registred, so as the person, native or foreigner, his executors, administrators, or assigns, whose orders shall be first registred, shall be accounted the person to be first paid out of the money to come in by this act; and he or they, who shall have his or their order or orders next entred, shall be taken to be the second person to be paid, and so in course; and that the monies to come in by the said subsidy of tunnage and poundage, and other the duties hereby granted, shall be in the same order liable to the satisfaction of the said respective persons, their executors, administrators, or assigns successively, without undue preference of one before another, and not otherwise, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any of her Majesty's subjects for providing or making of any such books or registers, or any entries, views, or search in or for payment of money lent, or the interest thereof, as aforesaid, by any of her Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party aggrieved by the party offending, with treble costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and

Clause of loan not to exceed 636,957l. 4s. 0b.

with interest at 6l. per cent.

Monies lent not to be taxed.

Lenders to have tallies of loan, and orders for re-payment. Orders to be registred and paid in course.

No undue preference.

Nor fee to be taken for entries, &c.

Penalty on officers or clerks offending.

if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable, by action of debt, or on the case, to pay the value of the debt, with damages and costs, to the party grieved, and shall be for ever incapable of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office; and in case the auditor of the receipt shall not direct, or the clerk of the pells record, or the teller make payment, according to each person's due place and order, as afore directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks herein offending, to be liable to such action, debt, damages, and costs, in such manner as afore said: all which said penalties, forfeitures, damages, and costs, to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be an any wise granted or allowed.

What shall not
be accounted
undue preference.

VII. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment, as afore said, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those be entred first, so as he enters them all the same day.

VIII. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Orders may
be assigned,
and assignee
may assign
again.

IX. And be it further enacted, That all and every person and persons, to whom any money shall be due for loans by virtue of this act, after order entred in the book of register, as afore said, his or their executors, administrators, or assigns, by indorsement of his order may assign or transfer his right, title, interest, and benefit of such order, or any part thereof, to any other; which being notified in the office of the auditor of the receipt afore said, and an entry or memorial thereof also made in the said book or registry (which the officers shall upon request, without fee or charge, accordingly make) shall intitle such assignee, his executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon; and such assignee may in like man-

ner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons, who shall make such assignments, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

X. And be it further enacted by the authority aforesaid, That all the monies which shall be lent to her Majesty on the credit of the said subsidies and duties by this act granted, and all the monies which are or shall be lent, contributed, or advanced to her Majesty, upon every or any other act or acts of this session of parliament, for granting any aid or supply to her Majesty for carrying on the present war, and other her Majesty's necessary and important occasions; and so much of the several taxes and duties granted in this session of parliament for the purposes aforesaid, and charged or chargeable with loans made or to be made thereupon, as shall remain (over and above the monies thereof which are in the first place to go and be applied in repayment and satisfaction of all the said loans, made or to be made thereupon, or upon any of them, and the interest thereof respectively, and over and above the charges to be allowed for raising the said taxes and duties respectively) shall be appropriated, issued, and applied, and the same are hereby appropriated for or towards the several uses and purposes herein after expressed (that is to say) for or towards the defraying the charges of the ordinary of her Majesty's navy, and for victuals, wages, wear, tear, and other services of the navy, and the victualling thereof, performed and to be performed; and for the sea service in the office of the ordnance, performed and to be performed, for or towards the supplying of ordnance stores for sea service, and for and towards the making of a wharf and storehouse at *Portsmouth*, and for paying the bounty or reward, which her Majesty shall be pleased to bestow, in consideration of the good service of those who were on board her Majesty's fleet, or at *Gibraltar*, at the time of the late engagement in the *Mediterranean Sea*; and for or towards the land services, performed and to be performed, by the said office of the ordnance, and to and for subsistence, off-reckonings, and clearings for one year, from the three and twentieth day of *December*, one thousand seven hundred and four, to her Majesty's guards and garrisons in *England*, and the dominions thereunto belonging (*Ireland* excepted) and the contingent charges of the same; and for payment of invalids for the said year, beginning from the said three and twentieth day of *December*, one thousand seven hundred and four; and for or towards the defraying the charge of her Majesty's army, and such forces as are or shall be added thereunto in the *Low Countries*, or *Germany*, within or for one year, to be reckoned from the said three and twentieth day of *December*, one thousand seven hundred and four, and the contingent charges thereunto belonging; and for paying the bounty or reward which her Majesty shall be pleased to bestow, in consideration of the good services performed by her land forces in *Germany*, during the last summer; and for or towards the defraying her Majesty's

part

Monies how appropriated.

part of the charge of the forces acting or to act in conjunction with the forces of the king of *Portugal*, until or at any time before the five and twentieth day of *December*, one thousand seven hundred and five; and for defraying extraordinary expences of the war in the year one thousand seven hundred and three, pursuant to the late treaty with *Portugal*; and for or towards the payment of her Majesty's proportion of the subsidies due upon treaties made, or to be made, with her Majesty's allies, and other charges for the service of war, for any time before, or until the said five and twentieth day of *December*, one thousand seven hundred and five; and for or towards the recruiting the horses of the *Engliff* horse and dragoons lost at the battles of *Scbellemburg* and *Blenheim*; and for or towards her Majesty's proportion of the levy money, to recruit the men and horses of the foreigners in the pay of her Majesty and of the *States General* of the united provinces of the *Netherlands*, which were lost in the same battles; and for or towards discharging of the *Premiums*, and other charges, for circulating the bills commonly called *Exchequer Bills*; and for or towards the charge of transportation of the land forces, performed and to be performed; and for and towards the charge of raising and maintaining five thousand additional forces, to enable her Majesty to supply the like number of men to act in conjunction with the forces of her Majesty's allies, to serve with the fleet; and for payment of another year's interest, after the rate of five pounds *per cent.* for the unsatisfied debentures charged on the *Irisb* forfeitures; and for or towards the sums to be paid by her Majesty to the king of *Prussia*, pursuant to the late treaty made with him for the support of the duke of *Savoy*; and to none other use, intent, or purpose whatsoever.

Proviso towards maintenance of the soldiers raised for sea service.

XI. Provided always, That out of the monies to be issued to the guards and garrisons, as aforesaid, there shall and may be taken and applied any sum not exceeding eighty seven thousand one hundred twenty five pounds, ten shillings, towards the charge of maintaining the soldiers raised and to be raised for sea service, with their officers, and the contingent charges thereunto belonging; and out of the monies to be issued for the service of the navy and sea services, as aforesaid, there shall be taken and applied such sums, as, together with the said sum not exceeding eighty seven thousand one hundred twenty five pounds and ten shillings, shall be necessary for the charge of maintaining the said soldiers for sea service, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithstanding.

XII. *And whereas by the acts made in the twelfth and five and twentieth years of the reign of his late majesty King Charles the Second, the former intituled, An act for the encouraging and increasing of shipping and navigation, and the latter, intituled, An act for the encouragement of the Greenland and Eastland trade, and for the better securing the plantation trade, certain commodities therein enumerated, of the growth, production, or manufacture*

22 Car. 2. c. 12.
 25 Car. 2. c. 7.
 This extended to copper ore by 3 Geo. 1. c. 18. f. 22.

care of any of the English plantations in America, Asia, or Africa, are obliged to be imported into this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, or to some other of the said plantations, under the securities and penalties in the said acts particularly mentioned, to the end this kingdom might be made a staple, not only of the commodities of those plantations, but also of the commodities of other countries, for supplying them; since the making of which laws several commodities, which are not in the said acts particularly enumerated, such as rice and melasses, are produced and made in the said plantations, and carried to divers foreign markets in Europe, without being first brought into this kingdom, dominion of Wales, or town of Berwick upon Tweed, contrary to the true intent and meaning of the aforesaid laws, to the great prejudice of the trade of this kingdom, and the lessening the correspondence and relation between this kingdom, and the aforesaid plantations: for the prevention whereof for the future, be it enacted by the authority aforesaid, That from and after the nine and twentieth day of September, one thousand seven hundred and five, all rice and melasses shall be under like securities and penalties restrained to be imported into this kingdom, dominion of Wales, and town of Berwick aforesaid, as by the fore-recited acts, or either of them, is provided for the goods therein particularly enumerated.

XIII. Provided always, and be it enacted, That nothing in this act contained, or any other act of parliament passed this session, shall extend, or be construed to extend, to charge the cargo, or any of the goods or merchandizes in the ship called the *Hern Frigot*, *William Morris* master thereof (which came from the *West Indies*, and was chased into *Limerick* in *Ireland* by a *French* privateer, in the month of *July* last, and was forced to lie there until lately, for want of a convoy, so that she could not arrive at *Plymouth* until the sixth day of *February*, one thousand seven hundred and four) with any of the new duties laid upon any of the said goods and merchandizes, to commence from the first day of *February*, one thousand seven hundred and four; any thing in this, or in any other act of parliament passed this session, contained to the contrary thereof in any wise notwithstanding.

XIV. And whereas *Raymond Roodey*, late of the city of *Chester*, merchant, became indebted to his late majesty *King William*, of glorious memory, in several sums of money, for customs, impositions, and other duties upon goods imported, and entered into several bonds to his said Majesty, with sureties, for payment of the same: and whereas the said *Raymond Roodey* is since dead, and his effects not visible in England, and his sureties have failed in their credit, and are not able to pay the full sums for which they so stand respectively engaged, but may, by the assistance of friends, pay some part of the said debts to her Majesty, in case a composition be made with them for the same; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the lord high treasurer, or commissioners of her Majesty's treasury for the time being, or any three or more of them, at any time before the five and twentieth

Rice shipped in Carolina in America, may be carried to any part of Europe Southward of Cape Finisere, &c. 3 Geo. 2. c. 22. l. 2.

From 29 Sept. 1705. rice and melasses to be under the like securities as other plantation goods, &c.

Cargo of the *Hern Frigot* exempted from the new duties.

Lord treasurer to compound with the sureties of *Raymond Roodey*.

and on pay-
ment, sureties
to be discharg-
ed.

sieth day of *March*, one thousand seven hundred and six, to make such composition or agreement, as to him or them shall seem reasonable, with the respective sureties of the said *Raymond Roodey*, their heirs, executors, or administrators, for such debts as aforesaid; and, upon payment of the money so compounded for, to cause the said sureties, their heirs, executors, and administrators respectively, to be discharged of and from the said bonds; but that the said *Raymond Roodey*, his heirs, executors, and administrators, and every of them, shall stand charged, and be liable to the payment of the money due upon the said bonds; any thing herein contained to the contrary thereof in any wise notwithstanding.

C A P. VI.

An act for the better enabling her Majesty to grant the honor and manor of Woodstock, with the hundred of Wootton, to the duke of Marlborough and his heirs, in consideration of the eminent services by him performed to her Majesty and the publick.

Most gracious Sovereign,

WHEREAS the eminent and unparalleled services performed to your Majesty and the crown of England, by the most noble John duke of Marlborough, are well known, not only to your Majesty, and to all your subjects, but to all Europe, who will always remember, That the alliances which your Majesty's royal brother King William the Third, of glorious memory, had in a little time before his death, contracted by the ministry of the said duke of Marlborough, as his Majesty's ambassador extraordinary and plenipotentiary to the States General of the united provinces, for preserving the liberties of Europe, against the ambition of France, were immediately after your Majesty's happy accession to the throne, by the said duke, then employed by your Majesty in the same character, confirmed and improved, and others were contracted, whereby the confederacy, which had been dissolved at the end of the last war, was re-united in a stricter and firmer league: and that in the first year of your Majesty's reign, the said duke of Marlborough did so well execute the commission and orders which he received from your Majesty, as captain general and commander in chief of your Majesty's forces, that he not only secured and extended the frontier of Holland, by taking the towns and fortresses of Venlo, Ruremond, Stevenswaert, and Liege, but soon obliged the enemy (who had been at the gates of Nimeghen) to seek shelter behind their lines; and the next campaign, by taking Bon, Huy, and Limbourg, added all the country between the Rhine and the Maes to the conquest of the preceding year: and that in the memorable year, one thousand seven hundred and four, when your Majesty was generously pleased to take the resolution of reserving the empire from that immediate ruin, to which, by the defection of the elector of Bavaria, it was exposed, the measures, which by your Majesty's wisdom and goodness had been devised and concerted, were pursued by the said duke with the utmost diligence, secrecy, and good conduct,

duci, in leading the forces of your Majesty, and your allies, by a long and difficult march, to the banks of the Danube, where the said duke did immediately upon his arrival, attack and force the Bavarians (assisted by the French) in their strong intrenchments at Schellenberg, passed the Danube, distressed the country of Bavaria, and a second time fought the enemies, who had been reinforced by a royal army of the French King's best troops, commanded by a marshal of France; and on the second day of August, one thousand seven hundred and four, after a bloody battle, at or near Blenheim (although the enemies had the advantages of number and situation) did gain as absolute and glorious a victory, as is recorded in the history of any age; by which Bavaria being entirely reduced, Ratibon, Aufbourg, Ulm, Memmingen, and other imperial towns recovered, the liberty of the diet and the peace of the empire was restored, and Landau, Treves, and Traerbach, being taken, the war is carried into the dominions of France: and forasmuch as the happy achievements of the said duke, having apparently tended not only to the honour and safety of your Majesty, and your subjects, and of their posterity, but also towards the future tranquility of Europe; your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, thought themselves obliged, in an humble address to your Majesty, not only to express their great sense of the said glorious victories, but also humbly to desire your Majesty, that you would be graciously pleased to consider of some proper means to perpetuate the memory of such signal services: and your Majesty having been thereupon pleased to signify your intention to grant the interest of the crown in the honor and manor of Woodstock and the hundred of Wootton, to the said duke and his heirs; your Majesty's said dutiful and loyal subjects, the commons of England in parliament assembled, duly considering the good and prudent provision made by your Majesty, by an act of parliament in the first year of your reign, for preserving the inheritance of several revenues of the crown, and believing that the settlement of the said honor, manor, and hundred, on the said duke and his heirs, can make no precedent for cases where there is or shall be less merit, do most humbly, cheerfully, and unanimously beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

1 Annæ, stat. 1.
c. 7.

II. That it shall and may be lawful to and for the Queen's most excellent majesty, by any letters patents under the great seal of England, hereafter to be made, to give and grant unto the said John duke of Marlborough, and his heirs and assigns for ever, or to any other person or persons to the use of or in trust for the said duke, his heirs and assigns for ever, all that the honor and manor of *Woodstock*, with the rights, members, and appurtenances thereof, situate, lying, and being in the county of *Oxon*, and all that the hundred of *Wootton*, with the rights, members, and appurtenances thereof, in the said county of *Oxon*, and all those the manors, or reputed manors of *Hardley, Wootton,*

Grant of the manor of Woodstock and hundred of Wootton, to the duke of Marlborough and his heirs.

- Wootton, Old Woodstock, Hanborough, Stonesfield, Combe, and Bladon,* with the advowions of the rectories, vicarages, or churches of *Bladon* or *Stonesfield*, and all the rights, members, and appurtenances, to them or any of them belonging, in the county of *Oxon* aforesaid; and all quit rents, rents of assize, chief rents, old rents, free rents, copyhold and customary rents, rent works, and all other rents, and yearly sum and sums of money whatsoever, to the said honor, hundred, and manors, or reputed manors, every or any of them, belonging, or in any wise appertaining; and also all that demolished messuage, court house, or toft, with the appurtenances, together with the site thereof, now or formerly called *Woodstock manor house*, situate, lying, and being in the said county of *Oxon*, within the park herein after-mentioned; and all houses, dove houses, edifices, structures, buildings, barns, stables, out houses, orchards, gardens, yards, backfides, court yards, and curtilages to the same belonging or appertaining, containing by estimation three acres, one rood, and fifteen perches, more or less; and also all that piece or parcel of ground, with the appurtenances, commonly called or known by the name of *Woodstock Park*, lying and being in the said county of *Oxon*, abutting upon *Woodstock* town on the east, upon *Bladon* parish towards the south, *Combe* parish on the west, and upon *Wootton* parish towards the north, containing in the whole by estimation one thousand seven hundred ninety three acres, and two roods, more or less; and all that piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Podghill*, containing by estimation three acres, and one rood, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Little Mill Mead*, containing by estimation two acres and one rood, more or less; and all that piece or parcel of meadow ground, now or lately called or known by the name of the *Great Mill Mead*, containing by estimation four acres, two roods, and thirty seven perches, more or less; and also all that other piece or parcel of meadow ground, now or lately called or known by the name of the *Middle Mead*, containing by estimation three acres and two roods, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Little Park Mead*, containing by estimation nine acres and thirty three perches, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances now or lately called or known by the name of *Tennis Court Mead*, containing by estimation three acres, three roods, and nine perches, be the same more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of the *Hopyard*, containing by estimation, one acre, two roods, and three perches, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Flaggmere Mead*, containing
- Woodstock manor house.
- Woodstock park.
- Podghill.
- Little Mill Mead.
- Great Mill Mead.
- Middle Mead.
- Little Park Mead.
- Tennis court Mead.
- Hopyard.
- Flaggmere Mead.

taining by estimation six acres, three roods, and twenty four perches, more or less; and also all that parcel of meadow ground, with the appurtenances, now or lately called *Mare Moor Mead*, Mare Moore Mead, containing by estimation nine acres, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Stanton Custom*, Stanton Custom, containing by estimation ten acres and one rood, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Southley Custom*, Southley Custom, containing by estimation five acres and two roods, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, to the last-mentioned meadow adjoining, and now or lately called or known by the name of the *Hill Ground*, Hill Ground, containing by estimation one rood, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Combe Custom*, Combe Custom, containing by estimation four acres more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Bladon Custom*, Bladon Custom, containing by estimation one acre and three roods, more or less; and all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Eight Acres*, Eight Acres, containing by estimation eleven acres, two roods, and twenty four perches, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Hanborough Custom*, Hanborough Custom, containing by estimation four acres and two roods, more or less; and all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of the *Pit Mead*, Pit Mead, containing by estimation four acres and five perches, be the same more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Borrow Mead*, Borrow Mead, containing by estimation eleven acres, one rood, and thirty perches, more or less; and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Thistlehair*, Thistlehair, containing by estimation four acres, three roods, and four perches, more or less; and also all that piece and parcel of pasture ground, with the appurtenances, to the last mentioned meadow adjoining, now or lately called or known by the name of *Bailiff's Turret*, Bailiff's Turret, containing by estimation two roods and sixteen perches, more or less; and all that other piece or parcel of pasture ground, with the appurtenances, adjoining to the east side of the last-mentioned piece of pasture ground, now or lately called or known by the name of *Bailiff's Hook*, Bailiff's Hook, containing by estimation one rood and ten perches, more or less; and also all that piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of *Rush Mead*, Rush Mead, containing by estimation seventeen acres, one rood, and eight perches,

- chies, more or less; and also all that piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of the *Palace Mead*, containing by estimation two acres, three roods, and nine perches, more or less: all which several pieces and parcels of meadow and pasture ground, before-mentioned, are situate, lying, and being within the walls of the said park, in the said county of *Oxon*: and also all that other piece or parcel of meadow ground, with the appurtenances, now or lately called or known by the name of the *Long Acre*, lying and being without the said park, within the parish of *Bladon* aforesaid, containing by estimation twenty four acres, one rood and thirty perches, more or less; and all that parcel of land lying in the parish of *Combe*, in the said county of *Oxon*, called by the name of *Combe Rayes*, which were purchased by his late majesty King *Charles* the Second from several persons, and do contain in the whole, by estimation, threescore acres, be the same more or less; and also all that messuage, tenement, or lodge, with the appurtenances, now or lately called *Hensgrove Lodge*, situate and being in the south east part of the said park; and also all that other messuage, tenement, or lodge, with the appurtenances, now or lately called *Streights Lodge*, situate and being in the south west part of the said park; and also all that other messuage, tenement, or lodge, with the appurtenances, now or lately called *New Lodge*, situate and being on the west part of the said park; and also all that other messuage, tenement, or lodge, with the appurtenances, now or lately called *Gorrell Lodge*, situate and being on the north side of the said park; and all those several woods and coppices, and the *Kings Woods*, soil and ground of the same, commonly called the *Kings Woods*, within the said honour and manor of *Woodstock*, herein after-mentioned (that is to say) all that wood and coppice, commonly called or known by the name of *Mill Wood*, lying and being in the parish of *Hanborough*, in the said county of *Oxon*, containing by estimation seventeen acres and two roods, more or less; and all that wood and coppice commonly called or known by the name of *Pinsly Wood*, also lying and being in the parish of *Hanborough* aforesaid, containing by estimation fourscore and one acres, and two roods, more or less; and all that wood and coppice commonly called or known by the name of *Wooll Coppice*, lying and being in the said parish of *Hanborough*, containing by estimation sixteen acres, more or less; and all that wood and coppice, commonly called or known by the name of *Wootton Wood*, lying and being in the parish of *Wootton*, in the said county of *Oxon*, containing by estimation fifty four acres and twenty perches, more or less; and all that wood and coppice called or known by the name of *Fendon Wood*, lying and being within the said parish of *Wootton*, containing by estimation seventeen acres and two roods, more or less; and all that wood and coppice called and known by the name of *Ambrose Coppice*, lying and being in the parish of *Stonesfield*, in the said county of *Oxon*, containing by estimation one hundred

thirty nine acres, more or less; and all her Majesty's timber and trees, wood, and underwood whatsoever, now standing, growing, or being, or hereafter to stand or grow, as well within or upon the several woods, coppices, and wood grounds before-mentioned, and every or any of them, as within or upon the said park, called *Woodstock Park*, and within or upon any of the waste grounds belonging to the said honor and manors, or within or upon any other of the premises so to be granted, and every or any of them respectively; and all and singular her Majesty's messuages, tenements, lands, woods, rents, mills, tolls, and hereditaments whatsoever, situate, lying, being, or renewing within the said park, called *Woodstock Park*, and in the towns, villages, hamlets, parishes, precincts, or territories of *Old Woodstock*, *Mardley*, *Wootton*, *Bladen*, *Hanborough*, *Cambe*, and *Stonesfield*, and every or any of them, or within the said hundred of *Wootton* in the said county of *Oxon*; and also all and singular houses, edifices, buildings, barns, stables, orchards, gardens, yards, backfides, curtilages; and also all courts leet, courts baron, hundred courts, and other courts whatsoever, services, franchises, customs, custom works, forfeitures, escheats, reliefs, herriots, fines, issues, amerciaments, perquisites and profits of the said courts and leets, and every of them, goods and chattels of felons and fugitives, felons of themselves, outlawed persons, and of persons put in exigent, waifs, estrays, deodands, heaths, moors, marshes, ways, passages, lights, easements, commons, ground used for common, wastes, waste grounds, rivers, streams, waters, watercourses, weirs, dams, stanks, mill pools, hawking, hunting, fishing, fowling, right, royalties, jurisdictions, liberties, privileges, immunities, profits, commodities, advantages, emoluments, possessions and hereditaments whatsoever, with their and every of their appurtenances, of what nature or quality soever, to the said honor, manors, park, woods, or other the premises belonging or appertaining, or accepted, reputed, or taken, as part, parcel, or member thereof, or which have been usually held, exercised, or enjoyed therewith; or within the same, or any part thereof, and such other franchises as her Majesty shall think fit to grant by such letters patents, as aforesaid, and the reversion and reversions, remainder and remainders of all and singular the premises, and of every or any part or parcel thereof, dependant or expectant upon any former grant, demise, or lease, grants, demises, or leases, made of the premises, or of any of them; and all the rents, issues, and profits of the said honor, manors, park, and other the premises, and of every part and parcel thereof; and all the estate, right, title, interest, property, claim, and demand whatsoever of her Majesty, of, into, or out of the same: to have and to hold the said honor, hundred, manors, park, woods, and other the premises so to be granted, with their and every of their appurtenances, to the said *John* duke of *Muriborough*, or such person or persons as he shall nominate, as aforesaid, his and their heirs and assigns for ever, to the only

To be holden of the Queen as of her Manor of Windsor in fee.

use and behoof of; or in trust for, the said *John duke of Marlborough*, his heirs and assigns for ever, and to no other use, intent, or purpose whatsoever, to be holden of her Majesty, her heirs and successors, as of her castle of *Windsor*, in free and common socage by fealty, and rendering to her Majesty, her heirs and successors, on the second day of *August* in every year for ever, at the castle of *Windsor*, one standard or colours with three *Flower de Luce*s painted thereupon, for all manner of rents, services, exactions and demands whatsoever.

Grant confirmed.

III. And be it further enacted by the authority aforesaid, That all and every the grants and clauses, to be contained in such letters patents, as aforesaid, for the better conveying and assuring of the said honor, hundred, manors, park, woods, and other the premises, to or for the use or benefit of the said duke, his heirs, or assigns, as aforesaid, shall be, and are hereby enacted to be good and effectual in the law, according to the tenor and purport thereof, in the said letters patents to be expressed, notwithstanding any restriction, or other matter or thing contained in the act of parliament made in the first year of her Majesty's reign, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*, and any other law or statute, or any mis-recital, non-recital, omission, or other defect in the said letters patents hereafter to be made, in any wife notwithstanding.

1 Anne, stat. 1. c. 5.

Salvo of right.

IV. Saving to all and every person and persons, their heirs, executors, and administrators, and to all bodies politick and corporate, and their successors (other than to the Queen's majesty, her heirs and successors,) all such right, title, interest, right of common, offices, fees, privileges, properties, profits, and demands whatsoever, which they, or any of them have, or are intitled to have, of, into, within, or out of the said honor, hundred, manors, park, woods, and other the premises, or any of them, or any part thereof, before the making of this act, as fully and effectually, to all intents and purposes, as if this act had not been made; this act, or any thing therein contained to the contrary notwithstanding.

C A P. VII.

An act for the effectual securing the kingdom of England from the apparent dangers that may arise from several acts lately passed in the parliament of Scotland.

Queen may appoint commissioners under her great seal of England, to treat with commissioners autho-

FOR preventing the many inconveniencies which may speedily happen to the two kingdoms of *England* and *Scotland*, if a nearer and more compleat union be not made between the said kingdoms; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such persons as shall be nominated by her Majesty, under her great seal of *England*, or such and so many of them as shall in that behalf

half be appointed by her Majesty to be of the *quorum*, shall, by force of this act, have full power, commission and authority, at such time and times, and in such place or places, as her Majesty shall please to appoint, to assemble and meet, and thereupon to treat and consult, according to the tenor or purport of their authority or commission in that behalf, with certain commissioners as shall be authorized by authority of the parliament of *Scotland*, of and concerning such an union of the said kingdoms of *England* and *Scotland*, and of and concerning such other matters, clauses and things, as upon mature deliberation of the greatest part of the said commissioners, assembled as aforesaid, and the commissioners to be authorized by the parliament of *Scotland*, according to the tenor or purport of their commissions in that behalf, shall in their wisdoms think convenient and necessary for the honour of her Majesty, and the common good of both the said kingdoms for ever: which commissioners of both the said kingdoms, shall, according to the tenor or purport of their said authorities or commissions in that behalf, reduce their doings and proceedings therein into writings or instruments quadrupartite, every part to be subscribed and sealed by them, to the end that one part thereof may in all humbleness be presented to the Queen's most excellent majesty, two other parts thereof to be offered to the consideration of the parliament for the realm of *England*, and another part to be offered to the consideration of the parliament for the realm of *Scotland*, at their next sessions, which shall be held in each kingdom respectively, after such writings or instruments shall be subscribed and sealed by the said commissioners, that thereupon such further proceedings may be had, as to her Majesty, and both the said parliaments, shall be thought fit and necessary for the weal and common good of both the said kingdoms, to whom the entire consideration of the whole, and the allowing or disallowing the whole, or any part thereof, as they shall think fit, is wholly reserved.

ized by the parliament of *Scotland*, for treating of a union between both kingdoms.

Commissioners to reduce their proceedings into writings quadrupartite.

II. Provided always, and be it enacted and declared, That no such commission or authority, as aforesaid, shall be granted, until an act of parliament shall be made in the kingdom of *Scotland*, empowering her Majesty to grant a commission under the great seal of that kingdom, nominating commissioners to treat concerning the union of the two kingdoms.

When such commission shall commence.

III. Provided also, and be it further enacted and declared, That no matter or thing to be treated of, agreed or proposed by the said commissioners by virtue of this act, shall have any force or effect to be put in execution, until it be confirmed and established by act of parliament of *England*.

Nothing agreed on to have any force till confirmed by act of parliament of *England*.

IV. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *December*, one thousand seven hundred and five, no person or persons, being a native or natives of the kingdom of *Scotland*; (except such as are now settled inhabitants within the kingdom of *England*, or the dominions thereunto belonging, or shall continue

After 25 December, 1705, no native of *Scotland*, except settled inhabitants, to inherit any lands in

England, &c. but be taken as aliens until the crown of Scotland be settled by parliament in the same manner as the succession to the crown of England.

inhabitants thereof, and such as are now in service in her Majesty's fleet or army) shall be capable to inherit any lands, tenements or hereditaments, within this kingdom of *England*, or the dominions thereunto belonging, or to enjoy any benefit or advantage of a natural-born subject of *England*; but every such person shall be from thenceforth adjudged and taken as an alien, born out of the allegiance of the Queen of *England*, until such time as the succession to the crown of *Scotland* be declared and settled by an act of parliament in *Scotland*, in the same manner the succession to the crown of *England* is now settled by act of parliament in *England*, in case of her Majesty's demise without issue of her body.

Nor be supplied with horses, arms or ammunition from England.

V. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, shall at any time from and after the twentieth day of *February*, one thousand seven hundred and four, until such time as the succession to the crown of *Scotland* be declared and settled by an act of parliament in *Scotland*, in like manner as aforesaid, convey or send, or cause to be conveyed or sent from any parts or place in *England* or *Ireland*, any horses, arms or ammunition into the kingdom of *Scotland*, every such person or persons shall forfeit the sum of one hundred pounds, and treble the value of such horses, arms or ammunition, one third part thereof to the Queen's most excellent majesty, her heirs and successors, and the other third part thereof to him or them who will sue for the same in any of her Majesty's courts at *Westminster*, by action of debt, suit, bill, plaint or information, wherein no effoin, protection or wager of law shall lie.

Penalty.

Scotch cattle prohibited to be brought into England or Ireland.

VI. And be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of *December*, one thousand seven hundred and five, until such time as the succession to the crown of *Scotland* be declared and settled by an act of parliament in *Scotland*, in like manner as aforesaid, no great-cattle or sheep shall be brought out of, or from the kingdom of *Scotland*, into the kingdom of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, under the penalty of forfeiting all such great-cattle or sheep, to him or them who will seize or sue for the same, and also the full value of such great cattle or sheep, one third part to the Queen's most excellent majesty, her heirs and successors, and the other two third parts thereof to him or them who will sue for the same, to be recovered as aforesaid.

Penalty.

Lawful to seize and detain cattle so brought in.

VII. And be it further enacted, That it shall and may be lawful to and for any person and persons whatsoever, to take and seize in any place or places whatsoever, the great-cattle or sheep brought, contrary to this act, into this kingdom of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and detain the same, during the space of four days, in some publick or convenient place where such seizure shall be made; within which time, if the owner or owners, or any on his or their behalf, shall make it appear unto some justice of

of the peace of the same county where the same shall be so seized, by the oath of two credible witnesses, (which oath the said justice of the peace is hereby required and impowered to administer) that the same were not brought from *Scotland* after the said five and twentieth day of *December*, one thousand seven hundred and five, Then the same, upon the warrant of such justice shall be forthwith re-delivered.

VIII. And be it further enacted, That if any *English* or other cattle or sheep, shall be with the privity or knowledge of the owner, or any person employed by him, driven or intermixed, or cause to be driven or intermixed with great-cattle or sheep brought out of or from *Scotland*, and shall be seized with them, such cattle and sheep so intermixed and seized, shall be deemed *Scotch-cattle*, and shall be subject to the like forfeiture, and ordered and disposed of in all respects as if they were brought out of or from *Scotland*, contrary to this act: and if any person or persons shall wilfully and fraudulently conspire, confederate or agree together, to avoid or evade the seizures or forfeitures upon the bringing in of cattle in this act particularly specified, and the same shall put in execution, then every such person and persons being thereof indicted or presented within one year, next after such offence by him or them committed, and being thereof lawfully convicted or attainted at any time hereafter, shall forfeit the sum of one hundred pounds, to be recovered and distributed, as aforesaid.

English-cattle intermixt with Scotch-cattle and seized, subject to the like forfeiture.

Penalty on persons conspiring to avoid or evade such seizures.

IX. And be it further enacted by the authority aforesaid, That if any action, bill, plaint, suit or information, shall be commenced or prosecuted against any person or persons, for any seizure or other thing done or made in pursuance or execution of this act, such person or persons shall not be obliged to give any more than a common-appearance, and may plead the general issue, and give the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear prosecution, or suffer discontinuance, or if a verdict pass against him in any such action, bill, plaint, suit or information, as aforesaid, the defendants shall have treble costs, for which they shall have the like remedy as in any case where costs by law are given to the defendant.

Persons sued may plead the general-issue.

Treble costs.

X. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *December*, one thousand seven hundred and five, until such time as the succession to the crown of *Scotland* be declared and settled by an act of parliament in *Scotland*, in like manner as aforesaid, no *Scotch-coals* shall be imported out of the kingdom of *Scotland* into the kingdoms of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick upon Tweed*, under the penalty of forfeiting the coals so imported; one half to the Queen's most excellent majesty, the other half to such person as shall seize or sue for the same.

After 25 December, 1705. no Scotch-coals to be imported into England or Ireland.

XI. And be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of *December*,

Nor Scotch-linen.

The preceding seven clauses are repealed by 4 An. c. 3, l. 10.

one thousand seven hundred and five, until such time as the succession to the crown of *Scotland* be declared and settled by an act of parliament in *Scotland*, in like manner as aforesaid, no *Scotch*-linen shall be imported or brought out of *Scotland* into the kingdom of *England*, dominion of *Wales*, town of *Berwick* upon *Tweed*, or *Ireland*, under the penalty of forfeiting the said linen, and double the value thereof, to be recovered with costs of suit in any of her Majesty's courts of record; one moiety thereof to the Queen's majesty, the other moiety to such persons as shall seize, inform or sue for the same.

Commissioners not to treat of altering the liturgy or government of the church of England.

XII. Provided always and be it enacted and declared by the authority aforesaid, That the commissioners to be named in pursuance of this act, shall not by virtue of such commission, treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline or government of the church, as by law established within this realm.

C A P. VIII.

An act to permit the exportation of Irish linen cloth to the plantations, and to prohibit the importation of Scotch linen into Ireland.

15 Car. 2. c. 7. **W**HEREAS in and by an act made in the fifteenth year of the reign of his late majesty King Charles the Second, intituled, An act for the encouragement of trade, it is amongst other things enacted, That no commodity of the growth, production or manufacture of Europe, shall be imported into any land, island, plantation, colony, territory, or place, to his Majesty belonging, or which shall hereafter belong unto, or be in the possession of his Majesty, his heirs and successors, in Asia, Africa, or America, (except as is therein excepted) but what shall be bona fide, and without fraud, laden and shipped in England, Wales, or the town of Berwick upon Tweed, under the penalties in the said act contained: yet forasmuch as the protestant interest in her Majesty's kingdom of Ireland ought to be supported, by giving the utmost encouragement to the linen manufactures of that kingdom; her Majesty is graciously pleased, in tender regard to her good protestant subjects of her said kingdom, and for the further encouragement of the linen manufactures thereof, that it may enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That from and after the four and twentieth day of June, one thousand seven hundred and five, it shall and may be lawful to and for any native or natives of England, or Ireland, to lade and ship in any port of the said kingdom of Ireland in English built shipping, whereof the master and one moiety of the mariners, during the present war, and afterwards the master and three fourths of the mariners at least to be English or Irish, any white or brown linen cloth, which shall be of the manufacture of the said kingdom of Ireland, and no other, and the same to transport in such ships, and so navigated, into any of the

After 24 June, 1705. Irish linen may be transported, and sent to the English plantations.

This part of the act continued by 3 Geo. 1. c. 21. l. 1. under the ti-

the said lands, islands, plantations, colonies, territories, or places, and there freely to traffick with, and vend the same; any thing in the said act, or in any other act, to the contrary thereof in any wise notwithstanding.

II. Provided nevertheless, That no ship or vessel coming to any of the said lands, islands, plantations, colonies, territories, or places, from the said kingdom of *Ireland*, shall unlade, or break bulk, until the master or commander of such ship or vessel shall first have made known to the governor of such land, island, plantation, colony, territory, or place, or to such person or officer as shall be by him thereunto authorized and appointed, the arrival of the said ship or vessel, with her name, and the name and surname of the master or commander, and shall have delivered to such governor or officer, a true and perfect inventory or invoice of the lading of such ship or vessel, together with a certificate from the chief officer of the port in *Ireland*, where such ship or vessel shall be laden, expressing the particulars of such lading, with the names and abodes of the exporters, and of two persons at the least, who shall have made oath before such chief officer, that the said goods and linen are *bona fide* of the manufacture of the said kingdom of *Ireland*, and until the master or commander of such ship or vessel shall have made oath before such governor or officer, that the said goods, and every parcel thereof, are the same goods that he, the said master or commander, took on board by virtue of such certificate, as is aforesaid, nor until such ship or vessel shall have been visited and searched by an officer or officers; and in case the commander of any such ship or vessel shall unlade, or break bulk, before such notice given, and such certificate produced, and such oath made by such commander, or before such search made, as aforesaid, or if upon such search any goods whatsoever of woollen manufacture, not laden in *England* (necessary apparel of the commander and mariners only excepted) or any linen goods not laden in *England*, nor of the manufacture of *Ireland*, shall be found in such ship or vessel; in all or any of the said cases, such ship or vessel shall be, and is hereby adjudged forfeited, with all her guns, tackle, ammunition and furniture, together with all such goods and commodities, of what kind soever, as shall be imported or found in such ship; one third part to her Majesty, her heirs and successors, one third part to the governor of such land, island, plantation, colony, territory, or place, into which such goods shall be imported, if the said ship, vessel, or goods be there seized, informed against, or sued for (or otherwise that third part also to her Majesty, her heirs and successors) and the other third part to him or them who shall sue for the same in her Majesty's court, in such of the said lands, islands, colonies, plantations, territories, or places, where the offence shall be committed, or in any of her Majesty's courts at *Westminster*, by bill, plaint, information, or other action; wherein no essoin, protection, or wager of law shall be allowed.

mitation there-
in mentioned.

No ship to
break bulk
until notice of
arrival be first
given to the
governor,

and an in-
voyce of the
lading, &c.
delivered.

Penalty on
commander
offending.

Ships coming from Ireland, liable to be visited in like manner as ships from England.

Penalty on importing Scotch linen into Ireland after 25 March, 1705.

Linen so prohibited to be seized, and importers prosecuted.

After condemnation to be sold by inch of candle.

But not delivered until bond given for exporting such goods for three months out of Ireland, &c.

How bond shall be vacated.

Penalty on not exporting such goods.

III. And be it further enacted, That all ships coming from *Ireland*, to any such land, island, colony, plantation, territory, or place, shall be subject to the same rules, visitations, searches, penalties, and forfeitures, to which ships coming from *England* to any of the said colonies, plantations, or places, are subject or liable to by any law now in force.

IV. And for the preventing of frauds that may be committed, by exporting from *Ireland* linen of the manufacture of the kingdom of *Scotland*, and for the effectual restraining the importation of all such linen into *Ireland*: be it enacted by the authority aforesaid, That all and every person and persons, who shall from and after the five and twentieth day of *March*, one thousand seven hundred and five, import or cause to be imported into the kingdom of *Ireland*, any linen whatsoever of the manufacture of *Scotland*, shall forfeit the sum of twenty shillings for every yard of *Scotch* linen so imported, together with the said linen.

V. And be it further enacted, That in case any such linen so prohibited to be imported into *Ireland*, shall after the said five and twentieth day of *March*, be found any where within the said kingdom, the same, or any part thereof, shall and may be seized, and the importers thereof prosecuted by any person whatsoever; and that all linen of the manufacture of *Scotland*, which shall be seized by virtue of this act, shall be carried to the next custom-house in the kingdom of *Ireland*; and shall not thence be delivered, unless in order to be produced at a trial, or unless the same be otherwise discharged by due course of law: and in case the goods so seized, or any part thereof, shall be condemned, the same shall be sold publicly by inch of candle, whereof notice in writing by a paper affixed at the door of such custom-house, shall be given at least twenty days before the said sale; and the goods so sold shall not be delivered to the buyer or buyers thereof, until he, she or they have entered into bonds, with two sufficient sureties to the Queen's majesty, her heirs and successors, in double the value of the said goods, with condition to export the same, and every part thereof, within three months after the date of the said obligation, out of the kingdom of *Ireland*, and not to import the same, or any part thereof, into any of her Majesty's colonies, plantations or dominions in *Asia*, *Africa*, or *America*: which said obligation shall be vacated upon certificate of the chief officer of the port, from whence the said goods shall be exported, of the exportation thereof, and upon oath made by the exporter, that all and every part of the said goods were exported, pursuant to this act, and that no part thereof hath been landed in any of her Majesty's colonies, plantations or dominions in *Asia*, *Africa* or *America*; and in case the said goods shall not be exported accordingly, the person or persons in whose custody the said goods, or any part thereof, shall be found, shall be again liable to all the penalties and forfeitures by this act imposed, as if the same had never been seized.

VI. And

VI. And be it further enacted, That all officers belonging to the customs in the said kingdom of *Ireland*, shall be aiding and assisting in the effectual execution of this act; and that if any such officer shall knowingly connive at the importation of any *Scotch-linen*, contrary to the true meaning of this act, such officer shall forfeit and lose the sum of one hundred pounds, and be for ever incapable of serving her Majesty, her heirs and successors, in any office whatsoever.

VII. And be it enacted, That all and every the penalties and forfeitures imposed by this act, for importing *Scotch-linen* into the kingdom of *Ireland*, shall and may be sued for, and recovered in any of her Majesty's courts of record at *Westminster* or *Dublin*, by action of debt, bill, plaint or information, wherein no *officio*, privilege, protection or wager of law, shall be allowed, nor any more than one imparlance; one moiety of the said penalties and forfeitures to be to her Majesty, her heirs and successors, and the other moiety to him, her or them that will sue for the same.

VIII. And it is hereby further enacted, That if any person or persons be sued, molested or prosecuted, for or by reason of any seizure made in pursuance of this act, such person and persons may plead the general issue, and give this act and the special matter in evidence; and if afterwards a verdict shall pass for the defendant or defendants, or if the plaintiff shall discontinue his action, or be nonsuited, or if judgment be given against him, then such defendant or defendants shall have double costs.

IX. Provided always, That all informations, actions, and suits, to be brought for any offence against this act, shall be brought and commenced within twelve months after the discovery of such offences.

X. Provided also, and be it enacted, That if any ship or vessel, being laden with goods in *England*, *Wales*, or *Berwick* upon *Tweed*, for any of the plantations aforesaid, shall put into any port or place in *Ireland*, and shall there take in any white or brown *Irish* linen cloth; in that case, the like certificate and oaths shall be made, that the said linen cloth is of the manufacture of *Ireland*; as is before directed by this act: and if, upon the arrival of such ship or vessel in any of the said plantations, such certificate be produced, and oaths made, as aforesaid, such ship or vessel, her master or commander, and lading, shall be subject and liable to such rules, visitations, searches, penalties, and forfeitures, as they respectively were subject and liable to by virtue of the laws which were in force before the passing of this act, and no other; any thing in this act to the contrary notwithstanding.

XI. Provided, That this act shall continue only for the term of eleven years, [Continued by 3 Geo. I. c. 21.]

CAP. IX.

An act for giving like remedy upon promissory notes, as is now used upon bills of exchange, and for the better payment of inland bills of exchange.

WHEREAS it hath been held, That notes in writing, signed by the party who makes the same, whereby such party promises to pay unto any other person, or his order, any sum of money therein mentioned, are not assignable or indorsible over, within the custom of merchants, to any other person; and that such person to whom the sum of money mentioned in such note is payable, cannot maintain an action, by the custom of merchants, against the person who first made and signed the same; and that any person to whom such note shall be assigned, indorsed, or made payable, could not, within the said custom of merchants, maintain any action upon such note against the person who first drew and signed the same: therefore to the intent to encourage trade and commerce, which will be much advanced, if such notes shall have the same effect as inland bills of exchange, and shall be negotiated in like manner; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all notes in writing, that after the first day of *May*, in the year of our Lord, one thousand seven hundred and five, shall be made and signed by any person or persons, body politick or corporate, or by the servant or agent of any corporation, banker, goldsmith, merchant, or trader, who is usually intrusted by him, her or them, to sign such promissory notes for him, her, or them, whereby such person or persons, body politick and corporate, his, her, or their servant or agent, as aforesaid, doth or shall promise to pay to any other person or persons, body politick and corporate, his, her, or their order, or unto bearer, any sum of money mentioned in such note, shall be taken and construed to be, by virtue thereof, due and payable to any such person or persons, body politick and corporate, to whom the same is made payable; and also every such note payable to any person or persons, body politick and corporate, his, her, or their order, shall be assignable or indorsible over, in the same manner as inland bills of exchange are or may be, according to the custom of merchants; and that the person or persons, body politick and corporate, to whom such sum of money is or shall be by such note made payable, shall and may maintain an action for the same, in such manner as he, she, or they might do, upon any inland bill of exchange, made or drawn according to the custom of merchants, against the person or persons, body politick and corporate, who, or whose servant or agent, as aforesaid, signed the same; and that any person or persons, body politick and corporate, to whom such note that is payable to any person or persons, body politick and corporate, his, her, or their order, is indorsed or assigned, or the money therein mentioned ordered to be paid by indorsement thereon, shall and may maintain his, her,

Fromissory notes may be assigned or indorsed, and action maintained thereon, as on inland bills of exchange.

her, or their action for such sum of money, either against the person or persons, body politick and corporate, who, or whose servant or agent, as aforesaid, signed such note, or against any of the persons that indorsed the same, in like manner as in cases of inland bills of exchange: and in every such action the plaintiff or plaintiffs shall recover his, her, or their damages and costs of suit; and if such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them, the defendant or defendants shall recover his, her, or their costs against the plaintiff or plaintiffs; and every such plaintiff or plaintiffs, defendant or defendants, respectively recovering, may sue out execution for such damages and costs by *copias, fieri facias, or elegit*.

Plaintiff or defendant may recover costs.

II. And be it further enacted by the authority aforesaid, That all and every such actions shall be commenced, sued and brought within such time as is appointed for commencing or suing actions upon the case, by the statute made in the one and twentieth year of the reign of King James the First, intituled, *An act for limitation of actions, and for avoiding of suits in law*.

How action shall be brought.

21 Jac. 1. c. 16.

III. Provided, That no body politick or corporate shall have power, by virtue of this act, to issue or give out any notes, by themselves or their servants, other than such as they might have issued, if this act had never been made.

Proviso against giving out notes.

IV. And whereas by an act of parliament made in the ninth year of the reign of his late majesty King William the Third, intituled, *An act for the better payment of inland bills of exchange, it is, among other things, enacted, That from and after presentation and acceptance of the said bill or bills of exchange (which acceptance shall be by the underwriting the same under the party's hand so accepting) and after the expiration of three days after the said bill or bills shall become due, the party to whom the said bill or bills are made payable, his servant, agent, or assigns, may and shall cause the same bill or bills to be protested in manner as in the said act is enacted: and whereas by there being no provision made therein for protesting such bill or bills, in case the party, on whom the same are or shall be drawn, refuse to accept the same, by underwriting the same under his hand, all merchants and others do refuse to underwrite such bill or bills, or make any other than a promissory acceptance, by which means the effect and good intent of the said act in that behalf is wholly evaded, and no bill or bills can be protested before or for want of such acceptance by underwriting the same as aforesaid: for remedy whereof be it enacted by the authority aforesaid, That from and after the first day of May, which shall be in the year of our Lord one thousand seven hundred and five, in case, upon presenting of any such bill or bills of exchange, the party or parties, on whom the same shall be drawn, shall refuse to accept the same, by underwriting the same, as aforesaid, the party to whom the said bill or bills are made payable, his servant, agent, or assigns, may and shall cause the said bill or bills to be protested for non-acceptance, as in case of foreign bills of exchange; any thing*

9 W. 3. c. 17.

Party refusing to underwrite bill of exchange, such bill may be protested for non-acceptance.

thing in the said act, or any other law, to the contrary notwithstanding: for which protest there shall be paid two shillings, and no more.

No acceptance of inland bills of exchange to be sufficient unless the same be underwritten, nor drawer thereof liable to costs, &c.

V. Provided always, That from and after the said first day of *May*, no acceptance of any such inland bill of exchange shall be sufficient to charge any person whatsoever, unless the same be underwritten or indorsed in writing thereupon; and if such bill be not accepted by such underwriting, or indorsement in writing, no drawer of any such inland bill shall be liable to pay any costs, damages, or interest thereupon, unless such protest be made for non-acceptance thereof, and within fourteen days after such protest, the same be sent, or otherwise notice thereof be given to the party from whom such bill was received, or left in writing at the place of his or her usual abode; and if such bill be accepted, and not paid before the expiration of three days after the said bill shall become due and payable, then no drawer of such bill shall be compellable to pay any costs, damages, or interest thereupon, unless a protest be made and sent, or notice thereof be given, in manner and form above-mentioned: nevertheless, every drawer of such bill shall be liable to make payment of costs, damages, and interest upon such inland bill, if any one protest be made of non-acceptance or non-payment thereof, and notice thereof be sent, given or left, as aforesaid.

No protest necessary for non-payment, unless the bill be drawn for 10l. or upwards.

By whom protest shall be made.

Acceptance of bill esteemed a full payment of debt.

VI. Provided, That no such protest shall be necessary, either for non-acceptance or non-payment of any inland bill of exchange, unless the value be acknowledged and expressed in such bill to be received, and unless such bill be drawn for the payment of twenty pounds sterling or upwards; and that the protest, hereby required for non-acceptance, shall be made by such persons as are appointed by the said recited act to protest inland bills of exchange for non-payment thereof.

VII. And be it further enacted, That from and after the said first day of *May*, if any person doth accept any such bill of exchange for and in satisfaction of any former debt, or sum of money formerly due unto him, the same shall be accounted and esteemed a full and complete payment of such debt, if such person, accepting of any such bill for his debt, doth not take his due course to obtain payment thereof, by endeavouring to get the same accepted and paid, and make his protest, as aforesaid, either for non-acceptance, or non-payment thereof.

Proviso.

VIII. Provided, That nothing herein contained shall extend to discharge any remedy, that any person may have against the drawer acceptor or indorser of such bill.

Act to continue 3 years.

IX. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the space of three years, from the said first day of *May*, and from thence to the end of the next session of parliament, and no longer. *Made perpetual by 7 Annæ, c. 25. s. 3.*

CAP. X.

An act for encouraging the importation of naval stores from her Majesty's plantations in America.

WHEREAS the royal navy, and the navigation of England, wherein, under God, the wealth, safety and strength of this kingdom is so much concerned, depends on the due supply of stores necessary for the same, which being now brought in mostly from foreign parts, in foreign shipping, at exorbitant and arbitrary rates, to the great prejudice and discouragement of the trade and navigation of this kingdom, may be provided in a more certain and beneficial manner from her Majesty's own dominions: and whereas her Majesty's colonies and plantations in America were at first settled, and are still maintained and protected, at a great expence of the treasure of this kingdom, with a design to render them as useful as may be to England, and the labour and industry of the people there, profitable to themselves: and in regard the said colonies and plantations, by the vast tracts of land therein, lying near the sea, and upon navigable rivers, may commodiously afford great quantities of all sorts of naval stores, if due encouragement be given for carrying on so great and advantageous an undertaking, which will likewise tend, not only to the further employment and increase of English shipping and seamen, but also to the enlarging, in a great measure, the trade and vent of the woollen and other manufactures and commodities of this kingdom, and of other her Majesty's dominions, in exchange for such naval stores, which are now purchased from foreign countries with money or bullion: and for enabling her Majesty's subjects, in the said colonies and plantations, to continue to make due and sufficient returns in the course of their trade; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person or persons that shall, within the time appointed by this act, import or cause to be imported into this kingdom, directly from any of her Majesty's English colonies or plantations in America, in any ship or ships that may lawfully trade to her Majesty's plantations, manned as by law is required, any of the naval stores, hereafter mentioned, shall have and enjoy, as a reward or *præmium* for such importation, after and according to the several rates for such naval stores, as follows, (*viz.*)

Encouragement to import naval stores, from English plantations in America.

Further encouragement
8 ANNÆ, c. 13.
f. 30. & 2 Geo.
2. c. 35.
See 2 Geo. 1.
c. 12. f. 4.

Rates allowed to importer;

II. For good and merchantable tar *per tun*, containing eight barrels, and each barrel to gage thirty one gallons and an half, four pounds.

For tar 4 l. *per tun.*

For good and merchantable pitch *per tun*, each tun containing twenty gross hundreds (net pitch) to be brought in eight barrels, four pounds.

Pitch 4 l. *per tun.*

For good and merchantable rozin or turpentine *per tun*, each tun containing twenty gross hundreds (net rozin or turpentine) to be brought in eight barrels, three pounds.

Rozin or turpentine, 3 l. *per tun.*

For

Hemp 6l. per tun. Continued, as to hemp by 12 Ann. R. 1. c. 9.

8 Geo. 1. c. 12.

16 Geo. 2. c. 26.

Masts, &c. 10s. per tun.

Premiums to be paid by commissioners of the navy.

Restrictions of such certificates as to pitch and tar,

5 Geo. 1. c. 11.

f. 16, 17.

8 Geo. 1. c. 12.

f. 4.

Oath to be made, That the naval stores were of the growth of the plantations.

For hemp, water rotted, bright and clean, per tun, each tun containing twenty gross hundreds, six pounds.

For all masts, yards, and bowsprights, per tun, allowing forty foot to each tun, girt measure, according to the customary way of measuring round bodies, one pound.

III. Which several rewards or *premiums*, for each species aforesaid, shall be paid and answered by the commissioners or principal officers of her Majesty's navy, who are hereby empowered and required to make out bill or bills, to be paid in course for the same, upon certificate of the respective chief officer or officers of the customs, in any port of this kingdom, where such naval stores shall be imported, as aforesaid; such bill or bills to be made out and given to the person or persons importing the same, as aforesaid, within twenty days after the discharge or unlading of the ship or vessel, ships or vessels, in which such stores shall be imported, upon a certificate or certificates, to be produced to the chief officer or officers of the customs (which certificate or certificates shall be under the hand and seal of the governor, lieutenant governor, collector of her Majesty's customs, and naval officer, or any two of them, residing and being within any of her Majesty's said colonies or plantations) That before the departure of such ship or vessel, ships or vessels, the person or persons, merchant, trader or factor, loading the same, had made oath before them, That the said naval stores, so shipped on board, were truly and *bona fide* of the growth and produce of her Majesty's said colonies and plantations (which oath the said governor, lieutenant governor, collector of her Majesty's customs, and naval officer, or any two of them, are hereby authorized to administer) as likewise, upon oath to be made within any port in *England*, by the master or masters of such ship or vessel, ships or vessels, importing such naval stores, that the same were truly laden on board such ship or vessel, ships or vessels, within some of her Majesty's colonies and plantations in *America*, and that he or they know or believe that the said naval stores were the produce of the said colonies and plantations.

Proviso.

IV. Provided always, That the reward or *premium*, hereby granted, shall not be allowed or paid for the importation of such masts, yards, bowsprights, or other naval stores, as are already contracted for by the commissioners of her Majesty's navy.

Commissioners of the navy to have the pre-emption of naval stores so imported,

V. And to the end a particular benefit may accrue hereby to her Majesty's royal navy, and for the better supply of the same with naval stores; be it further enacted, That upon the importing of any naval stores from her Majesty's said colonies and plantations, for which a reward or *premium* is hereby granted, the pre-emption, or refusal of such naval stores, shall be offered and tendered to the commissioners of her Majesty's navy upon landing the same; and if, within the term of twenty days after such tender, the said commissioners shall not contract or bargain for the same, it shall and may be lawful for the importer or im-

if contracted for within 20 days after tender.

porters,

porters, owner or owners, of the said naval stores, otherwise to dispose of the same for his or their best profit and advantage.

VI. And for the better preservation of all timber fit for the uses aforesaid; be it further enacted and ordained by the authority aforesaid, That no person or persons within her Majesty's colonies of *New Hampshire*, the *Massachusetts Bay*, *Rhode Island*, and *Providence Plantation*, the *Marraganet Country*, or *Kings Province*, and *Connecticut* in *New England*; and *New York*, and *New Jersey*; do or shall presume to cut, fell, or destroy any pitch, pine trees, or tar trees, not being within any fence or actual inclosure, under the growth of twelve inches diameter, at three foot from the earth, on the penalty or forfeiture of five pounds for each offence, on proof thereof to be made by one or more credible witnesses on oath, before one or more justice or justices of the peace within or nearest to such place where such offence shall be committed; one moiety of such penalty or forfeiture to be to her Majesty, her heirs or successors, the other moiety to the informer or informers.

VII. And be it further enacted by the authority aforesaid, That no person or persons, within the said colonies of *New Hampshire*, the *Massachusetts Bay*, *Rhode Island*, and *Providence Plantation*, and *Marraganet Country*, or *Kings Province*, *Connecticut* in *New England*, and *New York*, and *New Jersey*, shall wittingly or willingly set fire to any woods or forests, in which there are any pitch, pine trees, or tar trees, prepared for the making of pitch or tar, without first giving notice to the person or persons, owner or owners of the said trees, who had prepared or ordered the preparing of such trees, or to one of her Majesty's justices of the peace there, on pain of forfeiting of ten pounds for each offence, to be recovered in such manner, and on such proof, and to be distributed, as aforesaid; the said forfeitures and penalties to be levied by warrant under the hands and seals of such justice or justices of the peace.

VIII. Provided always, That the importation of all such naval stores, for which a reward or *premium* is granted by this act, be subject to the same regulations, restrictions, and limitations, in reference to the shipping and navigating thereof, and such security shall be given for importing the same into *England*, and subject to such penalties and forfeitures, as the importation of sugar, tobacco, cotton wooll, indico, ginger, suffick, and other dyeing wood, from her Majesty's colonies and plantations in *America*, are subject unto.

IX. Provided also, That the several directions and provisions in this act shall commence and take effect from the first day of *January*, which shall be in the year of our Lord one thousand seven hundred and five, and shall continue and be in force from thence forward, for the space of nine years, and no longer.

C A P. XI.

An act for the better recruiting her Majesty's land forces and the marines, for the year one thousand seven hundred and five. EXP.

C A P.

CAP. XII.

An act for the relief of the creditors of Thomas Fitkin, a bankrupt, and for the apprehending of him, and the discovery of the effects of the said Thomas Fitkin, and his accomplices. **EXP.**

CAP. XIII.

An act for prohibiting all trade and commerce with France. Prohibition of trade with France during the war. Ships seized by privateers fraudulently, forfeited, and privateer ship condemned as good prize. Proviso for French wints contracted for before 1 January, 1705. So as the same be imported before 1 August, 1705. Act not to prohibit trade with Spain. Contraband goods excepted. **EXP.**

CAP. XIV.

An act to prevent all traitorous correspondence with her Majesty's enemies.

Persons sending arms, ordnance, &c. to France, during the war, to suffer death as in cases of treason. Queen's subjects returning from France without licence guilty of high treason. Persons who have been in France, and returned without licence, shall depart by 1 May, 1705, unless they obtain the Queen's licence for staying here, or be deemed guilty of high treason. Persons without licence going to France, during the war, guilty of high treason. Offences committed beyond sea may be tried in any county in England. Persons indicted on this act, to have the benefit of the act made 7 W. 3. c. 3. **EXP.**

CAP. XV.

3 Annæ, c. 3.
5 W. & M. c. 7.

An act for the relief of Fulke Emes, gentleman, and others who had elapsed their times, either for paying their money, or naming their nominees; for purchasing annuities; and also for relief of Sir John Mead, knight and baronet, who had elapsed his time for paying part of his purchase-money for a forfeited estate in Ireland; and also for relief of Dorothy Ireland, and others, in respect of several tickets for payment of annuities, and of several million lottery tickets, and Exchequer bills, and debentures to the army, which have been burnt or lost.

Fulke Emes to have the annuity of 30 l. per annum, purchased by him for three lives. The like to Thomas Barnardiston, of 30 l. per annum, for one life. Mary Gibson to have her annuity of 30 l. per annum, for two lives. Mary Highstreet, to enjoy the annuity of 10 l. per annum, purchased by her for her own life. Samuel Cook to receive the annuities of 40 l. and 10 l. per annum, purchased by him for his own life. Sir John Mead's time of payment of Irish purchase-money enlarged, with interest at 3 l. per cent. Dorothy Ireland's malt tickets which were burnt or destroyed to be allowed on affidavit. Annuity tickets burnt or lost, officer on certificate of judge may discharge the same. The like on million lottery tickets, and malt tickets, &c. burnt or lost. **EXP.**

CAP. XVI.

3 & 4 Annæ,
c. 11.

An act for punishing mutiny and desertion, and false musters; and for the better payment of the army, and their quarters.

Mutineers and deserters, &c. to suffer death. The Queen may grant commissions to her generals to call courts-martial. Courts-martial not to consist of less than 13 commission officers. President to be a field officer, Soldiers not exempt from the ordinary process of law. Act not to extend to militia. Every member of court-martial to be sworn. No sentence of death to be given, unless nine officers concur. Penalty on false certificates, to excuse soldiers from muster. Penalty on officers making false musters. Muster rolls to be signed by the mayor, &c. Penalty on muster master neglecting to give notice. Penalty upon persons falsely mustered. Horses falsely mustered to be forfeited. Penalty on agent, &c. detaining officer's or soldier's pay. Penalty on agents disobeying orders of Queen or lord treasurer. Officer to bring a certificate of men sick,

ick, &c. Penalty on officer mustering servants, &c. No soldiers to be quartered on private houses. Penalty on constable, &c. quartering soldiers otherwise than by this act. Officers and soldiers to pay reasonable rates for their provisions. Justices to set the rates. Penalty on officer taking money to excuse from quartering. No paymaster, &c. to make deductions out of officer's or soldier's pay. Lord treasurer may issue the money due for clothing every two months. Paymasters to deduct the off-reckonings. Charge of arms, stores, &c. to be transmitted to paymaster, &c. Rates of subsistence to be paid to innkeepers, &c. for soldiers quarters. Penalty on officer not paying subsistence-money. No musters in Westminster and Southwark, but in the presence of two justices. All clothes, &c. to be bought in England. Muster rolls to be closed on the day of muster, and returned to the paymaster of the forces, &c. Justices to issue out warrants to the constables to provide carriages. Penalty on officers forcing waggon to travel more than one day's journey, &c. or obliging constables to provide saddle horses. Soldiers wives, &c. not to be quartered without consent. Penalty on officer or soldier destroying the game. Penalty on persons concealing deserter, or buying his arms, clothes, &c. No soldiers to be billeted in Epsom, &c. Officers or soldiers corresponding with the Queen's enemies guilty of high treason. Soldiers resisting officer, felony. All trials for treason, felony, &c. may be determined in the Queen's Bench. Act not to abridge the Queen's power of making articles of war, &c. Queen may grant commissions for holding courts martial. Deserter to be returned to his own regiment, there to be punished. But one trial for the same offence. No attainder to extend to corruption of blood, &c. Trial of a peer to be by his peers. Persons tried for treason on this act to have the benefit of the act 7 W. 3. c. 3. Officers and soldiers of the marine regiments ^{1 & 3 Annæ,} subject to this act. Felons may be listed on the Queen's warrant signed ^{c. 20.} for their pardon. Act to extend to mutineers and deserters in Ireland. ^{11 W. 3. c. 8.} Persons not tried before 24 March, 1704. may be tried now by court- ^{13 W. 3. c. 1.} martial. Penalty on officer refusing to give a just account of debentures. ^{5 Annæ, c. 16.}

E X P.

C A P. XVII.

An act for raising the militia for the year one thousand seven hundred ^{13 & 14 Car. 2} and five, although the month's pay formerly advanced be not repaid. ^{c. 3.}

E X P.

C A P. XVIII.

An act for making perpetual an act for the more easy recovery of small tithes; and also an act for the more easy obtaining partition of lands in coparcenary, joint tenancy, and tenancy in common; and also for making more effectual and amending several acts relating to the return of jurors.

WHEREAS divers temporary laws, which by experience have been found beneficial and useful, are expired, or near expiring; therefore, for continuing the same, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the session of parliament held in the seventh and eighth years of the reign of the late King William the Third, intituled, *An act for the more easy recovery of small tithes*, which was to continue for three years, and from thence ^{7 & 8 W. 3.} to the end of the next session of parliament, which act was further ^{c. 6. for reco-} continued by an act made in the tenth and eleventh years ^{covering small} ^{tithes, and} ^{further con-}

tinued by 10
& 11 W. 3.
c. 15. made
perpetual.

of the reign of the said King *William* the Third, for seven years from the expiration thereof, which will expire at the end of the next session of parliament after the year one thousand seven hundred and five, shall be, and is hereby continued, and shall be in force, and be made perpetual.

8 & 9 W. 3.
c. 31. for the
easier obtaining
partitions of
lands in copar-
cenary, &c.
made perpet-
tual.

II. And be it further enacted by the authority aforesaid, That an act made in the session of parliament held in the eighth and ninth years of his said late majesty King *William* the Third, intituled, *An act for the easier obtaining partitions of lands in coparcenary, joint tenancy, and tenancy in common*, which will expire at the end of the next session of parliament after the first day of *May*, one thousand seven hundred and four, shall be, and is hereby continued, and shall be in force, and be made perpetual.

4 & 5 W. & M.
c. 24.

III. And whereas in an act made in the session of parliament held in the fourth and fifth years of the late King *William* and *Queen* *Mary*, intituled, *An act for reviving, continuing, and explaining, several laws therein mentioned, which are expired and near expiring, there are several good clauses and provisions relating to the returning of jurors, which clauses and provisions were by the said act to continue in force for seven years after the first of May, one thousand six hundred ninety three, and to the end of the next session of parliament: and whereas the said clauses and provisions relating to the returning of jurors were, by an act made in the seventh and eighth years of the late King, William the Third, intituled, An act for the ease of jurors, and better regulating of juries, continued for seven years, from the first of May, one thousand six hundred ninety and six, and from thence to the end of the next session of parliament, and no longer; which said last mentioned act was also to continue but for the said term of seven years, from the first of May, one thousand six hundred ninety and six, and to the end of the next session of parliament: and whereas the said act made in the said session of parliament, held in the seventh and eighth years of the late King *William* the Third, was by an act made in the first year of the reign of her present Majesty, intituled, *An act for continuing former acts for exporting leather, and for ease of jurors, and for reviving and making more effectual an act relating to vagrants, continued for seven years from the expiration thereof, and to the end of the next session of parliament: and whereas the said clauses, provisions, and act have not proved effectual, by reason of some defects in the said act; for remedy whereof be it enacted by the authority aforesaid,**

7 & 8 W. 3.
c. 32.

That if any sheriff of the said county of *York* shall, after the first day of *May*, one thousand seven hundred and five, during the continuance of the said act, refuse or neglect to provide and keep such book or register, as in the said recited act is directed, or shall refuse or neglect to enter therein the names of the persons who served as jurors in any the assizes or general quarter sessions of the peace, to be held in or for the said county, or any the ridings therein, in or during the time he shall be sheriff of the said county, with the additions and places of abode, and time and places of such their services, in such man-
ner

1 Annæ, stat.
2. c. 13.

Penalty on
sheriff of York
not keeping a
register book
of jurors
names:

ner as in and by the said recited act is directed, or shall refuse or neglect, within ten days after the next succeeding sheriff of the said county shall be sworn into his office, to deliver over to such succeeding sheriff, as well all and every the books and registers that shall be made or prepared in the year wherein he shall have served sheriff, as also all such other books or registers as were prepared in the sheriffwick of any of his predecessors, sheriffs of the said county, within four years then next before, and which were delivered over to him by any of his said predecessors, or shall refuse or neglect to make and deliver, by himself or his under sheriff, such certificate gratis, as in the said recited act is mentioned, that then every such sheriff of the said county of *York*, so refusing or neglecting in all or any the said cases aforesaid, shall for every such offence forfeit the sum of one hundred pounds; one moiety whereof shall be to the use of her Majesty, her heirs or successors, and the other moiety to such person or persons as shall sue for the same, in any of her Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, nor more than one imparlance shall be allowed.

IV. And be it further enacted by the authority aforesaid, That if any such sheriff of the said county, for the time being, his or their under sheriff, deputy, or bailiff, during the continuance of the said act, shall knowingly summon or return any person or persons to serve on any jury or juries, at any the said assizes or sessions of the peace, who shall, within four years before such summons or return, have served on any jury at any the said assizes or sessions held within the said county, or any the ridings therein, and shall not, upon producing of such certificate or certificates, as aforesaid, to the officer or person so summoning, or to the said sheriff, or his under sheriff or deputy, discharge the said summons or return, and thereof give notice to the party summoned, six days before such assizes or sessions of the peace, at the which such person shall be summoned or returned to appear, that then the said sheriff, under sheriff, bailiff, or person so summoning or refusing to discharge, as aforesaid, shall forfeit and lose to the party so summoned the sum of twenty pounds, to be recovered in manner and form as is last herein before-mentioned, together with his full costs of suit. or returning one person oftner than once in four years.

V. And whereas many constables, tythingmen, and headboroughs of towns, have refused or neglected to return, or give to the justices of the peace at the general quarter sessions, a true list in writing of the names and places of abode of all persons within the respective places for which they serve, qualified to serve upon juries, as in and by the said act made in the seventh and eighth years of the late King William it is enacted and provided, by reason of which neglect, the good intent of the said act has been eluded, and great inconveniencies have thereupon ensued: for remedy whereof be it further enacted by the authority aforesaid, That the justices of the peace for all counties or ridings, within the kingdom of *England*, or domination of *Wales*, shall yearly and every year, during the continuance Penalty on constables not returning a list of persons fit for jurors.

Continued by
 9 Geo. 1. c. 8.
 f. 2. for 7 years.
 The constable,
 &c. subscribing
 the list before a
 justice, is suffi-
 cient by
 3 Geo. 2. c. 25.
 f. 7.
 See 10 Annæ,
 c. 14.

tinuance of the said act, at the general quarter sessions to be holden next after the four and twentieth day of *June*, issue forth their warrant or warrants, under the hands and seals of two or more of them, to the head or chief constable and constables of every hundred, lathe, or wapentake, requiring him or them to issue forth his or their precept or precepts to the respective constables, tythingmen, and headboroughs within his and their hundred, lathe, or wapentake, thereby directing and requiring them, and all and every of them, to convene and meet together with the said head constables of the hundred, lathe, or wapentake, within fourteen days next after the date of such receipt, at some usual or convenient place in the hundred, lathe, or wapentake, when and where the constables, tythingmen, and headboroughs, shall prepare and make a true list fair written and signed by them, of the names and places of abode of all the persons within the respective places for which they serve, qualified to serve on juries, according to the direction of the said act made in the fourth and fifth years of King *William* and Queen *Mary*, with their titles and additions, between the age of one and twenty years and the age of seventy years, as by the said act of the seventh and eighth years of the said King *William* is directed and appointed: which list the said constable, tythingman, and headborough, or their deputies, or some or one of them, yearly at the general quarter sessions of the peace to be holden for each county, riding, or division, or any part thereof, in the week after the feast of *Saint Michael*, upon the first day of the said sessions, or upon the first day that the said sessions shall be held by adjournment at any other particular place or division, shall return and give to the justices of the peace in open court: and any head constable of the hundred, lathe, or wapentake failing to issue forth his or their precept or precepts to convene and meet together, with the constables, tythingmen, and headboroughs, as aforesaid, shall forfeit and incur the penalty of ten pounds; and any constable, tythingman, and headborough failing to meet the head constable of the hundred, lathe, or wapentake, pursuant to his precept, and failing to prepare and make a true list, and to return and give in the same to the justices in open court, as aforesaid, shall forfeit and incur the penalty of five pounds: and every such high constable, constable, and tythingman, so offending, shall be prosecuted at the general assizes, sessions of *Oyer and Terminer*, and general gaol delivery, or sessions of the peace, before the justices thereof, who shall have power and authority to hear and determine the same.

The fore-mentioned acts to be read publicly every quarter sessions after 24 June yearly.

VI. And for the better observance of this act, and of the said acts made in the fourth and fifth years of King *William* and Queen *Mary*, and in the said seventh and eighth years of the late King *William*, the justices of the peace at the general quarter sessions, held after the four and twentieth day of *June*, yearly, shall cause the said several acts to be publicly read in open court.

Anno Regni ANNÆ Reginae quarto.

AT the parliament summoned to be held at Westminster the fourteenth day of June, Anno Dom. 1705. in the fourth year of the reign of our sovereign lady Anne, by the grace of God, of England, Scotland, France, and Ireland, Queen, defender of the faith, &c. and from thence continued by several prorogations to the five and twentieth day of October, 1705. and then begun and holden, being the first session of this present parliament.

^a In the enrolment it is, To the nineteenth day of March.

CAP. I.

An act for exhibiting a bill in this present parliament for naturalizing the most excellent princess Sophia, electress and dutchess dowager of Hanover, and the issue of her body.

WHEREAS the most excellent princess Sophia, electress and dutchess dowager of Hanover, and the issue of her body, are to be naturalized, and by reason of their being beyond the seas, they cannot qualify themselves in order thereto, according to the act made in the seventh year of the reign of King James the First, which requires every person to receive the sacrament of the Lord's supper, within one month before any bill for naturalization be exhibited, and also take the oaths of supremacy and allegiance in the parliament house, before his or her bill be twice read: be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That a bill for the naturalization of the said most excellent princess Sophia, electress and dutchess dowager of Hanover, and the issue of her body, shall and may be exhibited and brought into this present parliament, and twice read; any law, statute, matter, or thing whatsoever to the contrary notwithstanding.

Princess Sophia of Hanover, and her issue, to be naturalized.

7 Jac. 1. c. 2.

A bill to be exhibited for their naturalization.

CAP. II.

An act for granting an aid to her Majesty by a land tax, to be raised in the year one thousand seven hundred and six. EXP. 4 s. in the pound.

CAP. III.

An act to repeal several clauses in the statute made in the third and fourth years of her present Majesty's reign, for securing the kingdom of England from several acts lately passed in the parliament of Scotland.

WHEREAS in a statute made in the third and fourth years of her present Majesty's reign, intituled, An act for the effectual

3 & 4 Annæ,
c. 7.

festual securing the kingdom of England from the apparent dangers that may arise from several acts lately passed in the parliament of Scotland, there are clauses contained in these words following (that is to say:)

Natives of
Scotland (ex-
cept settled in-
habitants in
England, &c.)
after 25 Dec.
1705, adjudged
aliens, &c.

H. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of December, one thousand seven hundred and five, no person or persons, being a native or natives of the kingdom of Scotland (except such as are now settled inhabitants within the kingdom of England, or the dominions thereunto belonging, and shall continue inhabitants thereof, and such as are now in service in her Majesty's fleet or army) shall be capable to inherit any lands, tenements, or hereditaments within this kingdom of England, or the dominions thereunto belonging, or to enjoy any benefit or advantage of a natural born subject of England; but every such person shall be from thenceforth adjudged and taken as an alien, born out of the allegiance of the Queen of England, until such time as the succession to the crown of Scotland be declared and settled by an act of parliament in Scotland, in the same manner the succession to the crown of England is now settled by act of parliament in England, in case of her Majesty's demise without issue of her body.

Horses, arms,
&c. conveyed
in Scotland,
forfeiture
1701, &c.

III. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, shall at any time from and after the twentieth day of February, one thousand seven hundred and four, until such time as the succession to the crown of Scotland be declared and settled by an act of parliament in Scotland, in like manner, as aforesaid, convey or send, or cause to be conveyed or sent from any parts or place in England or Ireland, any horses, arms, or ammunition into the kingdom of Scotland, every such person or persons shall forfeit the sum of one hundred pounds, and treble the value of such horses, arms, or ammunition; one third part thereof to the Queen's most excellent majesty, her heirs and successors; and the other third part thereof to him or them who will sue for the same in any of her Majesty's courts at Westminster, by action of debt, writ, bill, plaint, or information, wherein no assize, protection, or wager of law shall lie.

Scotch cattle
brought into
England, &c.
forfeited.

IV. And be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of December, one thousand seven hundred and five, until such time as the succession to the crown of Scotland be declared and settled by an act of parliament in Scotland, in like manner, as aforesaid, no great cattle or sheep shall be brought out of, or from the kingdom of Scotland into the kingdom of England or Ireland, dominion of Wales, or town of Berwick upon Tweed, under the penalty of forfeiting all such great cattle or sheep to him or them who will seize or sue for the same, and also the value of such great cattle or sheep; one third part to the Queen's most excellent majesty, her heirs and successors, and the other two third parts thereof to him or them who will sue for the same, to be recovered as aforesaid.

Cattle so
brought may
be detained
4 days, &c.

V. And be it further enacted, That it shall and may be lawful to and for any person and persons whatsoever, to take and seize in any place or places whatsoever, the great cattle or sheep brought contrary

to this act into this kingdom of England or Ireland, dominion of Wales, or town of Berwick upon Tweed, and detain the same, during the space of four days, in some publick or convenient place where such seizure shall be made, within which time, if the owner or owners, or any on his or their behalf, shall make it appear unto some justice of the peace of the same county where the same shall be so seized, by the oath of two credible witnesses (which oath the said justice of the peace is hereby required and empowered to administer) that the same were not brought from Scotland, after the said five and twentieth day of December, one thousand seven hundred and five, then the same upon the warrant of such justice shall be forthwith redelivered.

VI. And be it further enacted, That if any English, or other cattle or sheep, shall be, with the privity or knowledge of the owner, or any person employed by him, driven or intermixed, or cause to be driven or intermixed with great cattle or sheep, brought out of or from Scotland, and shall be seized with them, such cattle and sheep so intermixed and seized, shall be deemed Scotch cattle, and shall be subject to the like forfeiture, and ordered and disposed of in all respects as if they were brought out of or from Scotland, contrary to this act; and if any person or persons shall wilfully and fraudulently conspire, confederate, or agree together to avoid or evade the seizures or forfeitures upon the bringing in of cattle in this act particularly specified, and the same shall put in execution, then every such person and persons; being thereof indicted or presented within one year, next after such offence by him or them committed, and being thereof lawfully convicted or attainted, at any time hereafter, shall forfeit the sum of one hundred pounds, to be recovered and distributed, as aforesaid.

English cattle intermixed, forfeited.

VII. And be it further enacted by the authority aforesaid, That if any action, suit, bill, plaint, or information, shall be commenced or prosecuted against any person or persons for any seizure, or other thing done or made in pursuance or execution of this act, such person or persons shall not be obliged to give any more than a common appearance, and may plead the general issue, and give the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear prosecution, or suffer discontinuance, or if a verdict pass against him in any such action, bill, plaint, suit, or information, as aforesaid, the defendants shall have treble costs, for which they shall have the like remedy as in any case where costs by law are given to the defendants.

Persons sued, to plead the general issue.

VIII. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of December, one thousand seven hundred and five, until such time as the succession to the crown of Scotland be declared and settled by an act of parliament in Scotland, in like manner, as aforesaid, no Scotch coals shall be imported out of the kingdom of Scotland into the kingdoms of England or Ireland, dominion of Wales, or town of Berwick upon Tweed, under the penalty of forfeiting the coals so imported; one half to the Queen's most excellent majesty, the other half to such person as shall seize or sue for the same.

Scotch coals imported, forfeited.

Scotch linen
also.

IX. And be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of December, one thousand seven hundred and five, until such time as the succession to the crown of Scotland be declared and settled by an act of parliament in Scotland, in like manner, as aforesaid, no Scotch linen shall be imported or brought out of Scotland into the kingdom of England, dominion of Wales, town of Berwick upon Tweed, or Ireland, under the penalty of forfeiting the said linen, and double the value thereof, to be recovered with costs of suit in any of her Majesty's courts of record; one moiety thereof to the Queen's majesty, the other moiety to such persons as shall seize, inform, or sue for the same.

The aforesaid
clauses repeal-
ed,

X. And whereas, since the making the said act, an act hath been made and passed in the parliament of Scotland, for enabling her Majesty to appoint commissioners to treat with commissioners for the kingdom of England, of and concerning an union of the said kingdoms of England and Scotland: now to the end that the good and friendly disposition of this kingdom towards the kingdom of Scotland may appear; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said clauses be from henceforth absolutely repealed and vacated to all intents and purposes whatsoever,

C A P. IV.

An act for the naturalization of the most excellent princess Sophia, electress and dutchess dowager of Hanover, and the issue of her body.

WHEREAS the imperial crown and dignity of the realms of England, France, and Ireland, and the dominions thereto belonging, after the demise and death of your Majesty, our most gracious sovereign, without issue of your body, is limited by act of parliament, to the most excellent princess Sophia, electress and dutchess dowager of Hanover, granddaughter of the late King James the First, and the heirs of her body, being protestants: and whereas your Majesty, by your royal care and concern for the happiness of these kingdoms, reigns in the hearts and affections of all your people, to their great comfort and satisfaction, and will be a glorious example to your royal successors in future ages: and to the end the said princess Sophia, electress and dutchess dowager of Hanover, and the issue of her body, and all persons lineally descending from her, may be encouraged to become acquainted with the laws and constitutions of this realm, it is just and highly reasonable, that they, in your Majesty's life time (whom God long preserve) should be naturalized, and be deemed, taken, and esteemed natural born subjects of England: we your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in parliament assembled, do most humbly beseech your Majesty that it may be enacted; and therefore be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled,

bled, and by the authority of the same, That the said princefs Sophia, electris and dutchels dowager of Hanover, and the issue of her body, and all persons lineally descending from her, born or hereafter to be born, be and shall be, to all intents and purposes whatsoever, deemed, taken, and esteemed natural born subjects of this kingdom, as if the said princefs, and the issue of her body, and all persons lineally descending from her, born or hereafter to be born, had been born within this realm of England; any law, statute, matter, or thing whatsoever to the contrary notwithstanding,

Princess Sophia of Hanover, and her issue naturalized.

II. Provided always, and be it further enacted and declared by the authority aforesaid, That every person and persons, who shall be naturalized by virtue of this act of parliament, and shall become a papist, or profess the popish religion, shall not enjoy any benefit or advantage of a natural born subject of England; but every such person shall be adjudged and taken as an alien, born out of the allegiance of the Queen of England, to all intents and purposes whatsoever; any thing herein contained to the contrary notwithstanding.

No papist, &c. to have the benefit of a natural-born subject.

CAP. V.

An act for continuing the duties upon malt, munn, cyder, and perry, for the service of the year one thousand seven hundred and six. EXP.

CAP. VI.

An act for continuing an additional subsidy of tonnage and poundage, and certain duties upon coals, culm, and cynders, and additional duties of excise, and for settling and establishing a fund thereby, and by other ways and means, for payment of annuities, to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and six, and other uses therein mentioned.

MAY it please your most excellent Majesty, we your Majesty's most dutiful and loyal subjects the commons of England in parliament assembled, duly considering your Majesty's great occasions for money to carry on the present war, and having regard as well to the great burthen of taxes now lying upon your Majesty's subjects, as to the present condition of the publick funds, and the present incumbrances thereupon, are therefore desirous, by such easy and effectual ways and means, as in this act are expressed and intended, to raise a sum of money, not exceeding in the whole, two millions five hundred seventy five thousand seven hundred sixty one pounds, sixteen shillings and two pence, (part of the money necessary to be provided in this session of parliament for your Majesty's supply) and such further sum of money as will be sufficient, during the first two years of the term herein after mentioned, to compleat the payment of the annuities to be purchased upon this act; and have for that end and purpose, cheerfully and unanimously given and granted, and do by this act give and grant unto your Majesty the subsidy of tonnage and poundage upon wines, goods, and merchandizes, and the several duties upon coal, culm, and cynders, and upon beer, ale, cyder, and other liquors hereafter

2575761. 16s. 2d. to be raised.

Tonnage and poundage, upon wines, &c. granted.

9 & 10 W. 3.
c. 23.

New Subsidy.

1 Anne, stat.
1. c. 7.

2 & 3 Anne,
c. 9.

One third sub-
sidy.

Hereafter in this act mentioned; for such several and respective terms, and to commence at or from such respective days and times, and to be paid and payable in such manner and form, as in this act are afterwards expressed: (that is to say) whereas by an act made and passed in the ninth year of the reign of his late majesty King William the Third, of glorious memory, (intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life) it was enacted, That over and above the subsidies, impositions; and other duties therein mentioned, there should be raised and paid to his Majesty, one other subsidy called tonnage, for and upon all wines which from and after the last day of January, in the year of our Lord one thousand six hundred ninety and nine, at any time and times, during his Majesty's life, should be imported or brought into the kingdom of England, dominion of Wales, or town of Berwick upon Tweed; and one further subsidy called poundage of all manner of goods and merchandizes imported or brought into this realm, or any his Majesty's dominions to the same belonging, at any time or times after the said last day of January, one thousand six hundred ninety nine, during his Majesty's life, by way of merchandize (except such goods and merchandizes as are therein excepted) and with such abatements, regulations, directions for making repayments or allowances upon exportation, and subject to such rules and other matters and things touching the said several subsidies, as in the last-mentioned act are expressed: which said further subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes, granted by the act above recited, are to be raised and paid to her Majesty, during her life, by virtue of another act of parliament made and passed in the first year of her reign, (intituled, An act for the better support of her Majesty's household, and the honour and dignity of the crown:) and whereas by an act made and passed in the second year of her Majesty's reign, (intituled, An act for granting to her Majesty an additional subsidy of tonnage and poundage for three years, and for laying a further duty upon French wines condemned as lawful prize, and for ascertaining the values of unrated goods imported from the East Indies) it was enacted, That there should be raised, levied, collected, paid and satisfied unto her Majesty one other subsidy called tonnage, for and upon all wines which from and after the eighth day of March, in the year of our Lord one thousand seven hundred and three, at any time or times within or during the space of three years from thence next and immediately ensuing, should be imported or brought into the kingdom of England, dominion of Wales, and town of Berwick upon Tweed; (that is to say) one third part of such or the like several and respective duties as by the two acts last recited or mentioned, or either of them, were imposed or payable for or upon any kind of wine or wines respectively: and one other subsidy called poundage of all manner of goods and merchandizes to be imported or brought into this realm, or any her Majesty's dominions to the same belonging, at any time or times after the said eighth day of March, one thousand seven hundred and three,

three, during the said term of three years, by way of merchandizes (that is to say) one third part of such or the like several and respective duties as by the said two acts last before recited or mentioned, or either of them, are imposed or payable for or upon the same goods and merchandizes respectively, (except such goods and other merchandizes as by the said two acts last-mentioned, or either of them, are exempted from payment of the subsidies thereby granted,) as in and by the said several acts (relation being thereunto respectively had) may more fully appear: now we your Majesty's said dutiful and loyal subjects the commons in parliament assembled, for the ends and purposes aforesaid, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That over and above the subsidies of tonnage and poundage above-mentioned, and over and above all other subsidies, additional duties, impositions, and payments whatsoever, by any act or acts of parliament, or otherwise howsoever already due or payable, or which ought to be paid to her Majesty, her heirs and successors, for or upon any wines, goods, and merchandizes whatsoever imported or to be imported, there shall be continued, and be raised, levied, collected, paid, and satisfied unto her Majesty, her heirs and successors, for and upon all wines which from and after the eighth day of *March*, which shall be in the year of our Lord one thousand seven hundred and six, at any time or times, within or during the term of ninety and eight years from thence next and immediately ensuing, and fully to be compleat and ended, shall be imported or brought into the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, the same or the like subsidy of tonnage, as by the said act of the second year of her Majesty's reign was charged or imposed, for or upon any kind of wine or wines whatsoever; (that is to say) one third part of such or the like several and respective duties, as by the said act of the ninth year of his said late Majesty's reign, were granted to him during his life, and by the said act of the first year of her Majesty's reign, are continued to her during her Majesty's life, for or upon any kind of wine or wines respectively, and for and upon all manner of goods and merchandizes, which from and after the said eighth day of *March*, which shall be in the year of our Lord one thousand seven hundred and six, at any time or times within or during the said term of ninety and eight years, shall be imported or brought into this realm, or any her Majesty's dominions, to the same belonging, by way of merchandize, there shall be continued, raised, levied, collected, paid, and satisfied to her Majesty, her heirs and successors, the same or the like subsidy of poundage, as by the said act of the second year of her Majesty's reign was laid or imposed, for or upon any goods or merchandizes whatsoever; (that is to say) one third part of such or the like several and respective duties, as by the said act of the ninth year of his said late Majesty's reign, were granted

Tonnage, &c.
2 Annæ, continued from 8
March, 1706
for 98 years.
For the application of
40000*l.* per
ann. of the
surplus money
arising from
this act, see 6
Annæ, c. 5. s. 2.

This duty made
perpetual by
1 Geo. 1. st. 2.
c. 12. s. 8.
(viz.) One
third part, &c.
9 & 10 W. 3.
c. 23.

9 & 10 W. 3.
c. 23.

granted

1 Annæ, stat.
1. c. 7.

Except such as
are exempted
from payment.

Drawbacks,
&c. allowed
by this act.
2 & 3 Annæ,
c. 9.

Duties how
raised.
9 & 10 W. 3.
c. 25.
1 Annæ, stat. 1.
c. 7.
2 & 3 Annæ,
c. 9.

Clauses to be
observed in
collecting the
subsidy.

Duty on cur-
rans from Ve-
nice, exempted
3 & 4 Annæ,
c. 5.
This clause
explained by
8 Annæ, c. 13.
s. 21.

granted to him during his life, and by the said act of the first year of her Majesty's reign, are continued during her Majesty's life, for or upon the same goods and merchandizes respectively, (except such goods and other merchandizes, as by the said subsidy acts made in the ninth year of his said late Majesty's reign, and in the first and second years of her now Majesty's reign, or any of them, are exempted from payment of the said subsidies thereby granted.)

II. And it is hereby enacted, That in all cases where by the said subsidy act of the second year of her Majesty's reign, or by any general or particular clauses therein contained, any drawbacks or abatements of the whole, or any part of the duties thereby granted, or any other allowances whatsoever, are appointed to be made or given in respect of the subsidy thereby granted, there shall be in the like cases respectively the same, or the like drawbacks and abatements of the whole or part of the duties by this act granted, and other allowances made and given in respect of the subsidy hereby imposed; and that the said several subsidies and duties by this act payable, during the continuance thereof, and all arrearages of the same, shall be raised, levied, collected, secured and paid by the same ways, means, and methods, and under such penalties and forfeitures, and subject to such rules and directions as in and by the said subsidy acts of the ninth year of his said late Majesty's reign, and of the first and second years of her now Majesty's reign, or by any general, relative, or particular clauses, or words therein, or in any of them contained, and now in force, are prescribed or appointed, touching or concerning the said several subsidies of tonnage and poundage, which were thereby respectively granted, as aforesaid; and that so much of the said subsidy act of the second year of her Majesty's reign, and such of the branches and clauses therein contained, or thereby referred unto, as do concern only the subsidy of tonnage and poundage thereby granted, (being one third part of the subsidies granted by the said former acts, as aforesaid) and are now in force, shall be used, exercised, put in practice, and observed, in and for the raising, levying, collecting, and answering the subsidies and duties hereby before granted, as fully and effectually as if the same were again particularly and at large repeated and re-enacted in the body of this present act.

III. And it is hereby declared and enacted, That the exception contained in the act of the third year of her Majesty's reign, intituled, *An act for granting to her Majesty a farther subsidy on wines and merchandizes imported*; whereby currans imported in *English-built* shipping, navigated according to the laws then in force, are exempted from the duties thereby granted, shall be extended to all such currans as after the five and twentieth day of *March*, one thousand seven hundred and six, shall be imported in ships belonging to any of the subjects of the republick of *Venice*, so that they also shall be exempted from pay-
ment

ment of the subsidy granted by that act; any thing therein contained to the contrary notwithstanding.

IV. And her Majesty's said dutiful and loyal subjects, the commons, in parliament assembled, do also humbly beseech her Majesty that it may be enacted; and be it enacted by the authority aforesaid, That all such and the like impositions, rates and duties whatsoever, as in and by an act of parliament made and passed in the ninth year of the reign of his said late majesty King *William* the Third, (intituled, *An act for granting to his Majesty several duties upon coal and culm*) were charged and imposed upon the several sorts of coals and culm therein mentioned, for the term of five years, which commenced from the fifteenth day of *May*, in the year of our Lord one thousand six hundred ninety eight, and the duty and duties upon cynders, which in and by an act made and passed in the parliament holden at *Westminster*, in the tenth and eleventh years of his late Majesty's reign (intituled, *An act for laying further duties upon sweets, and for lessening the duties as well upon vinegar, as upon certain low wines, and whale fins, and the duties upon brandy imported, and for the more easy raising the duties upon leather, and for charging cynders, and for permitting the importation of pearl ashes, and for preventing abuses in the brewing of beer and ale, and frauds in importation of tobacco*) were charged or imposed upon such cynders as are therein mentioned, for four years, commencing from the fifteenth day of *May*, in the year of our Lord one thousand six hundred ninety nine, which several duties upon coals, culm, and cynders were by an act made in the first year of her now

Duties on coal, culm, &c. continued from 14 May, 1708. to 30 Sept. 1710. 9 & 10 W. 3. c. 13.

10 & 11 W. 3. c. 21.

1 Anne, stat. 2. c. 4.

V. And it is hereby enacted, That the said act (intituled, *An act for granting to his Majesty several duties upon coals and culm*) and so much of the said act for laying duties upon sweets, and other things, as concerns the said duty upon cynders, and all and every the powers, authorities, rules, directions, penalties, and

Clauses, &c. in former acts revived, for levying the duties on this act.

and

9 & 10 W. 3.
c. 13.
9 Annæ, c. 6.
f. 9.

and forfeitures, clauses, matters, and things therein contained, now being in force, for governing, managing, raising, levying, securing, collecting, receiving, paying, and accounting for the duties upon coals, culm, and cynders, by the said former acts granted or continued, during the said several terms therein mentioned, shall be and are by force and virtue of this present act revived, and shall be in full force, and be duly observed, practised, and put in execution, in and for the governing, managing, raising, levying, securing, collecting, receiving, paying, and accounting for the duties upon coals, culm, and cynders, by this act granted, for and during the term hereby granted of and in the same, and all arrearages thereof, as fully and effectually, to all intents and purposes, as if the same powers, authorities, rules, directions, penalties, and forfeitures, clauses, matters and things, were again expressed, and particularly repeated and re-enacted in the body of this present act.

5 & 6 W. 2.
M. c. 7.
Excise on
beer, ale, &c.
to be paid
from 17 May,
1713. during
95 years.
Made perpetual
by 1 Geo. 1.
stat. 2. c. 12.
sect. 8. and part
of the aggre-
gate fund.

VI. *And whereas in and by a certain act of parliament made in the fifth year of the reign of their late majesties King William and Queen Mary, (intituled, An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against France) certain rates and duties of excise therein mentioned, for and upon beer, ale, vinegar, vinegar beer, mum, cyder, perry, brandy, spirits, aqua vitæ, metheglin, and other liquors therein expressed, were granted or made payable to their said late Majesties, their heirs and successors, for and during the term of sixteen years, which commenced from the seventeenth day of May, which was in the year of our Lord one thousand six hundred ninety seven, and several annuities therein mentioned, were thereby made payable to such persons as should contribute monies upon the same act, their executors, administrators, and assigns respectively, out of the fund thereby provided, and charged upon the duties of salt, and the said duties of excise, thereby granted for a certain term of sixteen years, which will expire at the feast of St. Michael the archangel, which shall be in the year of our Lord one thousand seven hundred and ten, or at the end of twenty days then next ensuing, as by the act last before recited (relation being thereunto had) may more fully appear: now her Majesty's said dutiful and loyal subjects, the commons in parliament assembled, do likewise humbly beseech your Majesty that it may be enacted; and be it enacted by the authority aforesaid, That from and after the seventeenth day of May, which shall be in the year of our Lord one thousand seven hundred and thirteen, there shall be within and throughout her Majesty's kingdom of England, dominion of Wales, and town of Berwick upon Tweed, raised, levied, collected, and paid unto her Majesty, her heirs and successors, for and during the space and term of ninety five years, from thence next and immediately ensuing, and fully to be compleat and ended, for beer, ale, cyder, and other liquors herein after expressed, by way of ex-*
cise,

cise, over and above all duties, charges, and impositions, by any former act or acts of parliament set or imposed, the several rates and duties of excise herein after expressed: (that is to say)

VII. For every barrel of beer or ale above six shillings the barrel, exclusive of the duty of excise, brewed by the common brewer, or any other person or persons, who doth or shall sell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, over and above the duties payable for the same, nine pence.

For every barrel of beer or ale above 6s. (excise exclusive.) 9d.

VIII. For every barrel of beer or ale of six shillings the barrel, or under, brewed by the common brewer, or any other person or persons, who shall sell or tap out beer or ale publickly or privately, to be paid by the common brewer, or by such other person or persons respectively, as aforesaid, and so proportionably for a greater or lesser quantity, over and above the duties payable for the same, three pence.

Every barrel, &c. of 6s. or under, 3d.

IX. For every barrel of vinegar, or vinegar beer, or liquors preparing for vinegar, which shall be brewed or made of any *English* or foreign materials, by any person or persons whatsoever, for sale, and so in proportion for a greater or lesser quantity (over and above the other duties of excise payable for the same) two shillings and four pence, to be paid by the maker thereof.

Barrel of vinegar, &c. 2s. 4d. vinegar made for pickles for sale, is to pay duty. 8 Annæ, c. 7. s. 4.

X. For every barrel of beer, ale or mum imported from beyond the seas, or from the islands of *Guernsey*, or *Jersey*, and so proportionably for a greater or lesser quantity, to be paid by the importers before landing, over and above the duties payable for the same, three shillings.

Barrel of mum, beer, ale, &c. imported, 3s.

XI. For every tun of cyder or perry imported from beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importer before landing, over and above the duties payable for the same, four pounds.

Cyder, &c. imported, 4l. per tun.

XII. For every gallon of single brandy, spirits or *aqua vite*, imported from beyond the seas, to be paid by the importer before landing, over and above the duties payable for the same, two shillings.

Single brandy, spirits, &c. imported, 2s. per gallon,

XIII. For every gallon of brandy, spirits or *aqua vite*, above proof, commonly called double brandy, imported from beyond the seas, to be paid by the importer before landing, over and above the duties payable for the same, four shillings.

brandy, spirits, &c. above proof, imported, 4s. per gallon.

XIV. For all cyder and perry made and sold by retail, upon every hoghead, to be paid by the retailer thereof, over and above the duties payable for the same, and so proportionably for a greater or lesser measure, one shilling and three pence.

Cyder, &c. sold by retail, to pay 1s. 3d. per hoghead.

XV. For all metheglin or mead made for sale, whether by retail or otherwise, to be paid by the maker, for every gallon, three pence.

Metheglin, &c. 3d. per gallon.

XVI. And be it enacted by the authority aforesaid, That the said several rates, duties and impositions upon beer, ale, cyder, and other liquors aforesaid, and all arrearsages thereof, be raised, levied,

Duties on beer, ale, &c. how levied.

levied, collected, and paid unto her Majesty, her heirs and successors, during the said space and term of ninety five years, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, and with such power of mitigation, and other powers, as the like or the said duties of excise granted by the said act of the fifth year of their late Majesties reign are thereby or by any other act or acts, or law whatsoever, for or concerning any the duties of excise upon beer, ale, or other liquors, now in force, enacted or appointed to be raised, levied, collected, and paid, during the remainder of the said term of sixteen years therein granted, and that so much of the said act of the fifth year of their late Majesties reign, as concerns only the said duties of excise, and of the said other laws of excise relating thereunto, as are now in force for the raising, levying, collecting, and answering the said duties of excise granted in the fifth year of their late Majesties reign, shall be continued, and revived, and be practised, put in execution, and observed, in and for the raising, levying, collecting, and answering the said duties of excise, by this act granted, for and during the said term of ninety five years, and all arrearages thereof, for the purposes in this act expressed, as fully and effectually as if the same were particularly and at large re-enacted in the body of this present act.

5 & 6W. & M.
c. 7.

For payment
of the annui-
ties,

the monies
arising by this
act,

XVII. And to the intent that a good, sure, and lasting security and fund may be settled and established, for the constant payment of all the annuities to be purchased upon this act; be it further enacted by the authority aforesaid, That all the monies arising from time to time, by or for the said subsidies of tonnage and poundage upon wines, goods, and merchandizes by this act granted, and by or for the said several and respective duties and impositions by this act continued, for or upon coals, culm, and cynders, and by or for the said several duties of excise upon beer, ale, and other liquors, or by or for any other duties by this act granted or continued, and every of them (the necessary charges of managing, raising, levying, collecting, answering, paying, and accounting for the said several subsidies, rates, impositions, and other duties only excepted) shall, from time to time, from the respective commencements of the said subsidies, rates, impositions, and other payments respectively, and for and during the several terms or times therein severally granted or intended to be granted by this act, be brought and paid by the respective commissioners, receivers general, or such persons as for the time being shall have the receipt thereof, as the same shall be raised (who are hereby required and enjoined to bring and pay the same accordingly) into the receipt of the Exchequer, for the purposes in this act expressed, distinctly and separately from all other monies whatsoever, that are or shall be payable by them into the said receipt; and that all the monies to arise by virtue of the said act of the fifth year of their said late Majesties reign, of or for the said duties of excise thereby granted, after the said lottery annuities therein mentioned shall

to be paid into
the Exchequer
5 & 6W. & M.
c. 7.

be paid off, or sufficient money shall be reserved in the Exchequer for paying off the same, shall in like manner, from time to time, be brought and paid into the receipt of Exchequer, for the purposes in this act expressed, distinctly and apart, as aforesaid; and the respective commissioners and receivers general of the said several impositions, rates, subsidies, and other duties hereby required to be paid into the receipt of Exchequer, as aforesaid, shall make or cause to be made the payments thereof into the said receipt of Exchequer, according to the true meaning of this act, weekly; to wit, on *Wednesday* in every week, *Weekly*, if it be not an holyday; and if it be, then on the next day after that is not an holyday.

XVIII. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of her Majesty's Exchequer, one or more books, in which all the monies hereby appointed to be paid in weekly, as aforesaid, and which shall be brought to the said receipt, shall be entred apart and distinct from all other monies paid into the said receipt, on any other account whatsoever. And entred apart.

XIX. And to the end all the monies by this act appropriated for payment of the annuities to be purchased upon this act, may be duly and certainly raised and brought into the receipt of Exchequer for that purpose; it is hereby further enacted, That from time to time, during the continuance of this act, there shall be continued or appointed commissioners, receivers general, comptrollers, collectors, and other proper officers for raising the several duties by this act granted, and for keeping the accounts of the same; and that the respective commissioners or chief managers thereof, shall from time to time weekly compute and ascertain the monies of each branch of the said duties hereby granted or continued, which ought to be paid into the Exchequer on every *Wednesday*, or on the subsequent day, not being an holiday, as aforesaid; and that all commissioners, receivers general, comptrollers, collectors, and other officers, who are or shall be concerned in the managing, raising, levying, receiving, collecting, or paying the same, or in keeping the accounts thereof, shall perform their several and respective duties therein, as to them respectively shall appertain, under such and the like penalties, forfeitures, and disabilities, for any offence or neglect therein, or for detaining, diverting, or misapplying any part of the said monies, as are prescribed, and to be inflicted by virtue of an act of parliament made and passed in the ninth year of the reign of his said late Majesty King *William the Third*, (intituled, *An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies*) for the like offence or neglect in relation to the duties upon salt, and upon stamp velluin, parchment, and paper, thereby granted, or for detaining, diverting, or misapplying any part of the monies which were granted by the act last mentioned. Officers to be appointed for raising the duties.
Penalties on neglect.
9 & 10 W. 3. c. 44.

The monies arising by this act, to be the general fund, &c. and not to be diverted, under penalty.

XX. And it is hereby enacted and declared by the authority aforesaid, That all the monies arising of or for the said several subsidies of tonnage and poundage, and of or for the said duties of coals, culm, and cynders, and the said several rates and duties of excise by this act appointed to be paid into the receipt of the Exchequer, from time to time, as aforesaid, together with the sum of two hundred and eighty thousand pounds, (part of the contribution-monies to be reserved and applied as is herein after mentioned) or so much of the said subsidies, rates, impositions, duties, and contribution-money, as shall be sufficient for answering the full and due payment of all the annuities to be purchased upon this act, from time to time, according to the true meaning thereof, is, are, and shall be the general fund for payment of the same, and shall be charged therewith, and liable thereunto, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, under the penalties, forfeitures, and disabilities in this act expressed.

Sum to be raised.

XXI. And for the raising any sum and sums of money, not exceeding in the whole the sum of two millions eight hundred fifty five thousand seven hundred sixty one pounds, sixteen shillings, and two pence, (that is to say) two millions five hundred seventy five thousand seven hundred sixty one pounds, sixteen

How applied.

shillings, and two pence thereof, for carrying on the present war, and other her Majesty's occasions, and two hundred and eighty thousand pounds, residue thereof, to be applied, together with the produce of the said subsidy of tonnage and poundage, for or towards the making good or completing the quarterly payments herein after mentioned, to incur and grow due on and before the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and eight; it is hereby

Any persons may advance the said sum,

further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay into the receipt of her Majesty's Exchequer, for her Majesty's use, at or before the respective days and times in this act limited in that behalf, any sum or sums of money not

for purchasing annuities for ninety nine years, from the twenty fifth of *March* 1706, at fifteen years and an half purchase, 15*l.* for 10*l.* per annum.

exceeding in the whole, the said sum of two millions eight hundred fifty five thousand seven hundred sixty one pounds, sixteen shillings, and two pence, for purchasing any annuity or annuities, to be paid and payable during the full term of ninety nine years, to be reckoned from the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and six, at the rate of fifteen years and an half's purchase, which rate doth amount to the sum of one hundred fifty five pounds for every such annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the same rate or consideration-money is hereby appointed to be paid into the said receipt, at or before the respective days and times herein after-mentioned, (that is to say) one fourth part thereof, on or before the first day of *May*, in the year of our Lord one thousand seven hundred and six; one other fourth part thereof, on or before

Purchase-money how paid.

fore

fore the first day of *July*, in the year of our Lord one thousand seven hundred and six; one other fourth part thereof, on or before the one and thirtieth day of *August*, in the year of our Lord one thousand seven hundred and six; and the remaining fourth part thereof, on or before the first day of *November*, in the year of our Lord one thousand seven hundred and six: all which annuities so to be purchased, shall not exceed in the whole, the sum of one hundred eighty four thousand two hundred forty two pounds, fourteen shillings *per annum*, and shall be paid and payable at the four most usual feasts, or days of payment in the year; (that is to say) the feasts of the nativity of Saint *John Baptist*, Saint *Michael* the archangel, the birth of our Lord Christ, and the annunciation of the blessed virgin *Mary*, by even and equal portions; the first payment thereof to be made at the feast of the nativity of Saint *John Baptist*, which shall be in the year of our Lord one thousand seven hundred and six.

By 6 Geo. 1.
c. 4. sect. 1.
The South Sea
company may
take in these
annuities.
Annuities not
to exceed
184242l. 14s.
per annum.

Times of pay-
ment.

XXII. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer severally, there shall be provided and kept a book or books, in which there shall be fairly entred the names of all who shall be contributors, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sums so paid, and the times when the same are respectively paid; to which book it shall be lawful for the respective contributors, their executors, administrators, and assigns, from time to time, and at all seasonable times, to have resort, and to inspect the same without fee or reward.

Contributors
names to be
entred, &c.

and also the
sums paid.

XXIII. And be it further enacted by the authority aforesaid, That all and every the annuities whatsoever, which shall be purchased upon, or in pursuance of this present act, shall be, and are hereby charged upon, and shall be paid and payable from time to time in the first place, and with preference to all other payments whatsoever, out of the monies arising from time to time, of and for the said several subsidies of tonnage and poundage, impositions upon coals, culm, and cynders, and the said several rates and duties of excise, and all and every other duty and duties, sum and sums of money whatsoever, by this act appointed to be brought and paid into the receipt of Exchequer, as aforesaid, and every of them, and also out of the said sum not exceeding two hundred and eighty thousand pounds by this act allowed to be contributed for or towards the making good or completing the quarterly payments for the first two years, as aforesaid, and so much of the said several subsidies, duties, impositions, rates, sum and sums of money so appointed by this act, to be brought or paid into the Exchequer, and so much of the said sum not exceeding two hundred and eighty thousand pounds, allowed by this act to be contributed for this purpose, as aforesaid, as are and shall be sufficient to satisfy and discharge all the annuities to be purchased upon this act, according to the purport and true meaning of the same, are and shall be, by virtue of this act, appropriated and applied, to and for the

The annuities
how charged.

satisfying and discharging of the same annuities accordingly; and shall be issued, disposed, and applied to that use, and to no other use, intent, or purpose whatsoever; any thing in this or any other act of parliament contained, or any other matter or thing whatsoever to the contrary notwithstanding.

Overplus-mo-
nies, if any,
disposeable by
parliament.

XXIV. Provided always, That if at the end of the said first two years of the said term of ninety nine years, there shall be an overplus remaining in the receipt of the Exchequer of the said duties and contribution-monies, or any of them, by this act appointed for the payment of the said annuities, which shall be more than what shall have been sufficient to discharge all the quarterly payments of the said annuities, until, and for the quarter to end at *Lady-day*; one thousand seven hundred and eight; or if at the end of any subsequent year of the said term of ninety nine years, the monies brought into the Exchequer within such year of the said several subsidies, impositions, rates, duties, and monies by this act appropriated for payment of the said annuities, pursuant to this act, shall exceed all the monies then due for or upon the said annuities, and all arrearages thereof, then or at any time or times before that time incurred, so that there shall be an overplus remaining in the Exchequer; such overplus-monies shall be disposeable from time to time for the publick use and service by authority of parliament, and not otherwise; any thing herein contained to the contrary notwithstanding.

Contributors
to have sure
estates in the
annuities pur-
chased by
them free
from taxes.

XXV. And be it further enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the consideration or purchase-money at the rate aforesaid, at or before the respective days and times in this act limited in that behalf, for any such annuity or annuities, as aforesaid, or such as he, she or they shall appoint, his, her, or their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be entitled, by virtue of this act, to have, receive, and enjoy the respective annuity and annuities so to be purchased out of the monies by this act appropriated or appointed for the payment thereof during the said whole term of ninety nine years, as is above-mentioned; and that all and every such purchasers, their executors, administrators, and assigns respectively, shall have good and sure estates and interests in the several annuities so by them to be purchased, according to the tenor and true meaning of this act; and that all the said annuities to be purchased upon this act, and every of them, during the term aforesaid, shall be free from all taxes, charges, and impositions whatsoever.

And to have
tallies, &c.

XXVI. And be it further enacted by the authority aforesaid, That every contributor upon this act for any annuity or annuities, as aforesaid, his, her, or their executors, administrators, or assigns, upon payment of the consideration or purchase-money for the same, at the rate aforesaid, or any part or proportion thereof, within the time or times in this act limited in that behalf, shall immediately have one or more tally or tallies levied,

levied, importing the receipt of so much consideration-money as shall be so paid, and upon payment of all the purchase-money for any such annuity or annuities at the rate aforesaid, every such contributor, his or her executors, administrators, or assigns respectively, shall have an order for paying of the said annuity and annuities, for and during the said term of ninety nine years; and orders for payment which order shall be signed by the treasurer and under-treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being, and after the signing thereof, the same shall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act; and shall not be determinable by or upon the deaths or removal of any treasurer or under-treasurer of the Exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office, or offices of them, or any of them; nor shall any lord high treasurer of England, treasurer of the Exchequer, or any commissioners of the treasury now or for the time being, have power to revoke, countermand or make void such orders so signed, as aforesaid, or any of them.

XXVII. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer, the sums by them intended to be advanced upon this act, it is provided and enacted by the authority aforesaid, That every such contributor who shall advance and pay into the said receipt of Exchequer, all or any part of the purchase-money payable for any such annuity or annuities, as aforesaid, before the said first day of May, in the year of our Lord one thousand seven hundred and six, his, her, or their executors, administrators, or assigns, shall be allowed and paid out of the contribution-money arising by this act, interest after the rate of six pounds *per centum per annum*, for the prompt payment of the money so advanced, from the time of the actual advancing and paying the same, until the said first day of May, one thousand seven hundred and six.

XXVIII. And be it further enacted, That it shall and may be lawful to and for any contributor or contributors, his, her, or their executors, administrators, or assigns, at any time or times, during the continuance of his, her, or their term, estate, or interest of and in any annuity to be purchased upon this act, by any writing under hand and seal, or by his or her last will in writing, to assign or devise such annuity, or any part thereof, or any interest therein, to any person or persons whatsoever, and so *toties quoties*, and no such assignment to be revocable, so as an entry or memorandum of such assignment or will be made in books to be kept for that purpose in the said office of the auditor of the receipt, within the space of three months after such assignment or death of the devisor, and that upon producing such assignment or will, or probat thereof in the said office of receipt, to be entred, as aforesaid, the party so producing the same, shall bring therewith an affidavit taken before one or more

No lord treasurer, &c. to revoke the same.

6l. per cent. allowed for prompt payment, to 1 May, 1706.

Annuities assignable,

and entry to be made, &c.

Affidavits to be filed.
In default of devise, interest to go to executors, &c.

of her Majesty's justices of the peace of the due execution of the said assignment or will; which affidavit shall be severally filed in the said office, which said entry or memorandum, the proper officers in the said receipt of Exchequer, are hereby required to make accordingly, and to file the said affidavits; and in default of such assignment or devise by deed or will, the interest of such contributor shall go to his or her executors or administrators.

Guardians may purchase for infants, &c.

XXIX. And it is hereby enacted, That it shall and may be lawful for any guardian or trustee, having the disposal of the money of any infant under the age of one and twenty years, for the use and benefit of such infant, to advance and pay the sum of one hundred fifty five pounds of the money of such infant, to purchase an annuity upon this act, for the benefit of such infant, and the said guardian or trustee, as to the said sum of one hundred fifty five pounds, so advanced, is hereby discharged.

Exchequer officers to take no fee, on penalty, &c.

XXX. And be it further enacted, for the better encouragement of persons to advance the monies on this act, That all receipts and issues, and all other things directed by this act to be performed in the Exchequer, shall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity, or reward for the same; and in case any of the officers of the Exchequer, shall take or demand any such fee or reward, or shall divert or misapply any of the monies of the said duties, or monies hereby appropriated, or any part thereof, which should make good the payment of the said annuities, or shall pay or issue out the same otherwise than according to the intent of this act, or shall not keep books and registers, and make entries, and do and perform all other things, which by this act they are required to perform, every such officer shall forfeit his office, and be for the future incapable of any office or place of trust, and shall answer and pay treble damages, with costs of suit, to every contributor or person who shall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege of parliament, or other privilege, wager of law, injunction, order of restraint, or more than one imparlance shall be granted or allowed; and in the said action the plaintiff upon recovery, shall have his full costs; one third part of which sum to be recovered for damages, shall be to the use of her Majesty, her heirs and successors; and the other two third parts, with the costs, shall be to the use of the prosecutor; and in case there shall be any collusion, or faint prosecution between the plaintiff and defendant in such action, it shall be lawful for any other contributor, his or her executors, administrators, or assigns, to bring another action, wherein he or she shall recover, as aforesaid, to the like uses, as aforesaid.

Plaintiff to have full costs.

In case of collusion, any other contributor may bring an action.

No purchase, unless one fourth be

XXXI. Provided always, That no person or persons whatsoever shall or may purchase or obtain, or be admitted to purchase

chafe or obtain any annuity whatsoever upon this act, unless the whole, or one fourth part at least of the consideration-money for the same, at such rate, as aforesaid, be advanced and paid into the said receipt of Exchequer, on or before the said first day of *May*, one thousand seven hundred and six.

XXXII. Provided also, That in case any such contributor, as aforesaid, who shall on or before the said first day of *May*, one thousand seven hundred and six, have advanced one fourth part of his or her purchase-money, or his or her executors, administrators, or assigns, do not advance and pay into the receipt of the Exchequer, one other fourth part of his or her consideration-money to be paid for such respective annuity or annuities, as aforesaid, on or before the said first day of *July*, in the year of our Lord one thousand seven hundred and six; and one other fourth part thereof, on or before the said one and thirtieth day of *August*, one thousand seven hundred and six; and the remaining fourth part thereof, on or before the said first day of *November*, in the year of our Lord one thousand seven hundred and six; then and in every such case respectively, no order shall be drawn or signed for such respective annuity, for which the consideration-money shall not be fully paid, as aforesaid; but so much of the consideration-money as shall have been actually paid into the receipt of the Exchequer for such respective annuity, shall be forfeited to her Majesty, her heirs and successors, and be applied, together with other the monies to be raised by this act, for such publick services, as aforesaid; any thing in this act contained to the contrary notwithstanding.

XXXIII. Provided also, and it is hereby enacted, That it shall and may be lawful to and for the lord treasurer, or commissioners of the treasury, or any three or more of the said commissioners of the treasury for the time being, out of any the monies of the said weekly payments hereby appointed to be paid into the Exchequer, as aforesaid, to reward the officers, clerks, and others, to be employed in the payment of the said annuities, or the accounts thereof, for their labour, pains, charges, and service therein respectively, and to defray all other the necessary charges incident to the payment of the said annuities, as to the said lord treasurer, or commissioners of the treasury for the time being, shall seem meet and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

XXXIV. Provided always, and be it enacted by the authority aforesaid, That all strong waters, brandy, *Aqua vitæ*, or spirits, brought from the islands of *Guernsey*, *Jersey*, *Sark*, or *Alderney*, shall continue to be charged with the duty of eight shillings for every gallon, and no more, to be paid to the collector or officer of excise before landing; and that all other exciseable liquors brought from the said islands, or any of them (except beer, ale, and mum) shall be charged and chargeable with such and the like duties, as are or shall from time to time be charged or chargeable on the like liquors made in this kingdom, to be ent

Officers
clerks, &c.
how to be
paid.

Brandy, &c.
brought from
Guernsey,
Jersey, Sark,
or Alderney,
how charged,
(Except beer,
ale, and mum)

tred and paid, as aforesaid; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Merchants
bonds for cus-
toms, payable
before the
sixth of Feb-
ruary, 1705,
and remain
yet unsatisfi-
ed;

In case princi-
pal money be
paid by 1
June, 1706,
such bonds to
be delivered
up.

If not paid, to
be in force.

Bristol mer-
chants pro-
vided for by
Annæ, c. 29.
s. 12.

Lord treasur-
er, &c. may
remit interest,
&c.

XXXV. *And whereas several bonds, pursuant to several acts of parliament in that behalf have been entered into by several merchants and others for the customs, additional duties, impositions, and other duties of goods and merchandizes imported into the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, upon which bonds the whole monies or part of the monies specified in the conditions of the same respectively, have, according to such conditions, incurred or become payable at several days or times of payment, before the sixth day of February, in the year of our Lord one thousand seven hundred and five, and do remain unsatisfied, or such bonds are not delivered up; be it enacted by the authority aforesaid, That in all and every case and cases where the obligors in such bonds (being principals or sureties) their heirs, executors, or administrators, or any of them, have paid or shall have paid, before the first day of June, one thousand seven hundred and six, to the proper officer or officers, the principal monies so incurred or grown due before the said sixth day of February, one thousand seven hundred and five, such payment shall be of the same force and effect, as if the same had been made at or before the respective day or days in such condition or conditions mentioned for payment thereof; and in all cases where the whole principal monies, due or to be due by the conditions of such bonds as are before-mentioned, are or shall be paid by the said first day of June, one thousand seven hundred and six, such bond and bonds respectively shall upon demand be delivered up to the party or parties who hath or shall have so paid the same, his, her, or their executors or administrators, without any further or other demand whatsoever; nevertheless it is hereby declared, That in case any of the bonds before-mentioned, shall not be satisfied within the time by this act limited, as aforesaid, or in case any payment to incur or grow due after the said sixth day of February, one thousand seven hundred and five, by the condition of any bond taken or to be taken for the customs, additional duties, impositions, or other duties of any goods or merchandizes imported, or hereafter to be imported, as aforesaid, shall not be duly paid, according to condition of every such bond respectively. In all and every such case and cases, the penalty of every such bond shall not be discharged, either in law or equity, without the full payment of the principal monies, together with interest, after the rate of six pounds per centum per annum, to be reckoned from the day on which such principal monies become due, until the actual payment thereof, besides costs of suit, unless the lord treasurer, or any three or more of the commissioners of the treasury for the time being, upon any representation of the commissioners of the customs for the time being, or any three or more of them, shall judge it reasonable, in any particular case or cases, to remit the said interest and costs, or any part thereof; this act, or any other law or statute whatsoever to the contrary notwithstanding,*

XXXVI. Provided always, That this act, or any thing therein contained, shall not extend to discharge the interest upon any bond or bonds, entred into for the duties of any goods or merchandises imported by any corporation or company of merchants trading by any charter upon a joint stock; any thing herein to the contrary notwithstanding.

Bonds for
companies
duties, not to
be discharged;

C A P. VII.

An act for making the town of New Ross, in the county of Wexford in the kingdom of Ireland, a port for the exporting wool from Ireland into this kingdom.

WHEREAS by an act passed in this kingdom in the tenth and eleventh years of the reign of his late majesty King, William, the Third, intituled; An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England, it is, amongst other things, enacted, That all the wool and the manufactures thereof, in the said act particularly specified, as should, from time to time, be exported from the said kingdom of Ireland into the parts of this kingdom or dominion of Wales, should be shipped off, and entred at the ports of Dublin, Waterford, Youghall, Kingsale, Cork, and Drogheda in the said kingdom of Ireland, and at or from no other port or place within the said kingdom, under great penalties to every offender against the said act; and whereas the town of New Ross, in the county of Wexford in the said kingdom of Ireland, is in the same harbour with the port of the city of Waterford, and before the passing of the said act hath always had liberty to export the said commodities directly into this kingdom; but the said town not being particularly named in the said act, some doubt hath arisen whether the said commodities may be exported thence: therefore to prevent all doubt for the future concerning the same, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That at all times from and after the four and twentieth day of June, one thousand seven hundred and six, it shall and may be lawful to and for all and every person and persons whomsoever, to ship off, enter, and export, from the said town of New Ross, all the said commodities in the said recited act particularly mentioned, and to import the same into any of the ports of Biddeford, Barnstable, Minhead, Bridgewater, Bristol, Milford Haven, Chester, and Liverpoole, in the same manner, as if the said town of Ross had been particularly named for exportation of the said commodities in the said former act; any law or statute to the contrary thereof in any wise notwithstanding.

10 & 11 W. 3.
c. 10.

Town of New
Ross made a
port for ex-
porting wool
from Ireland.

C A P. VIII.

An act for the better security of her Majesty's person and government, and of the succession to the crown of England in the protestant line. Persons who by writing, &c. shall declare, &c. that the Queen is not lawful Queen, or that the pretended prince of Wales hath any right to the crown,

1 W. & M.
sess. 2. c. 2.
12 & 13 W. 3.
c. 2.

16 R. 2. c. 5.
6 & 7 W. 3.
c. 2.
6 Ann. c. 7.
& 1 Geo. 2.
stat. 1. c. 5.
& stat. 2. c. 23.
1 W. & M. 1. 2.
c. 8.
1 Ann. stat. 1.
c. 22.
12 & 13 W. 3.
c. 2.

crowns, &c. guilty of high treason. Persons who by preaching, &c. shall declare and affirm the Queen not lawful Queen, &c. to incur the penalty of *premunire*. Parliament not dissolved by the Queen's death, but to continue for six months after, &c. Parliament to meet immediately after the Queen's death. In case of no parliament, the last preceding to meet. Not to abridge the Queen's power to prorogue or dissolve parliaments, &c. Privy council not to be dissolved by the Queen's death; nor the places of the great officers; nor any officers civil or military; but continue for six months, &c. The great seal &c. to be used. Upon Queen's death, privy council to cause the next protestant successor to be proclaimed, on penalty of high treason. In case the successor be out of the realm, at the Queen's death, seven lords justices appointed. The successor by three instruments, may add seven others. The three instruments to be transmitted into England, and to be severally sealed up, and deposited, &c. Persons opening any of the said instruments, &c. guilty of a *premunire*. Any one of the instruments produced to privy council, to be effectual. Lords justices not to dissolve the parliament without direction, &c. Nor alter the act 13 & 14 Car. 2. c. 4. on penalty of high treason. Lords justices before they act to take the oaths, &c. and also all persons in offices, &c. Lords justices to be deemed as officers in trust. The successor may use any seal before her or his arrival in England. Parliament called by lords justices, not to be dissolved by arrival of successor.

XXIV. *And whereas in and by the said act of parliament made in the twelfth year of the reign of his late majesty King William the Third, of glorious memory, intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject; it was amongst other things enacted, in the words following, That from and after the time that the further limitation by this act shall take effect, all matters and things relating to the well government of this kingdom, which are properly cognizable in the privy council by the laws and customs of this realm, shall be transacted there, and all resolutions taken thereupon, shall be signed by such of the privy council as shall advise and consent to the same; be it enacted by the authority aforesaid, That the said recited clause shall be, and the same is hereby annulled and repealed, as if the same act had never been made.*

Clauses re-
pealed.

XXV. *And whereas also in the said act it was amongst other things enacted in the words following, That no person who has an office or place of profit under the King, or receives a pension from the crown, shall be capable of serving as a member of the house of commons; and it appearing reasonable that the said recited clause should be repealed: be it therefore enacted by the authority aforesaid, That the said last recited clause shall be, and is hereby annulled and repealed, as if the same act had never been made.*

Persons in new offices disabled from being elected members of the house of commons. Members accepting of any office of profit, their election void. But may be again elected. No office to be executed by too great a number of commissioners. Not to extend to officers in the navy or army. Persons disabled, and returned as members, such election and return to be void. Penalty on sitting. *This statute is re-enacted 6 Annæ, c. 7. and therefore is omitted here.*

CAP. IX.

An act for repairing the highways between Barnhill and Hatton Heath in the county of Chester. EXP.

CAP. X.

An act for the better recruiting her Majesty's army and marines. EXP.

CAP. XI.

An act for continuing an act made in the session held in the third and fourth years of her Majesty's reign, intituled, *An act for punishing mutiny and desertion, and false musters, and for the better payment of the army and quarters.* EXP.

CAP. XII.

An act for laying further duties on low wines, and for preventing the damage to her Majesty's revenue by importation of foreign cut whalebone, and for making some provisions as to the stamp duties, and the duties on births, burials, and marriages, and the salt duties, and touching million lottery tickets, and for enabling her Majesty to dispose the effects of William Kidd, a notorious pirate, to the use of Greenwich Hospital, and for appropriating the publick monies granted in this session of parliament.

MAY it please your most excellent Majesty, whereas by an act of parliament made in the twelfth year of the reign of your Majesty's late royal brother King William the Third, of glorious memory, (intituled, *An act for granting to his Majesty several duties upon low wines, or spirits of the first extraction, and continuing several additional duties upon coffee, tea, chocolate, spices, and pictures, and certain impositions upon hawkers, pedlars, and petty chapmen, and the duty of fifteen per centum upon muslins, and for improving the duties upon japanned and lacquered goods, and for continuing the coinage duty, for the several terms and purposes therein mentioned*) certain duties upon low wines, or spirits of the first extraction, were granted for a term to continue until the five and twentieth day of March, one thousand seven hundred and six; and by another act made in the third year of your Majesty's reign, (intituled, *An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muslins, and for granting new duties upon several of the said commodities, and also upon callicoets, China ware and drugs*) the said duties upon low wines, or spirits of the first extraction, are continued from the twenty fourth day of March, one thousand seven hundred and six, until the twenty fourth day of June, one thousand seven hundred and ten, as by the said several acts may appear: NOW we your Majesty's dutiful and loyal subjects, the commons of England in parliament assembled, have given and granted, and do by this act give and grant to your Majesty the several duties herein after mentioned, over and above all duties already granted upon low wines or spirits of the first extraction; and do humbly beseech your Majesty that it may be enacted: and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,

12 & 13 W. 3.
C. 11.

& 4 Ann.
C. 4.

Duties on low
wines, &c.
continued.

12 & 13 W. 3.
c. 11.
Former duties
continued to
25 March,
1707.

mons, in this present parliament assembled, and by the authority of the same, That all and every such or the like duties for or upon all low wines or spirits of the first extraction, as by the said act of the said twelfth year of his said late Majesty's reign were continued or granted until the said twenty fifth day of *March*, one thousand seven hundred and six, shall by virtue of this act be continued from the four and twentieth day of *March*, one thousand seven hundred and five, until the five and twentieth day of *March*, one thousand seven hundred and seven.

From 24 of
March, 1705.
Low wines,
&c. to pay
2d. per gallon.
Further con-
tinued for 26
years by 5 Ann. c. 19. and made perpetual by 1 Geo. 1. stat. 2. c. 12. sect. 2.
and part of the
aggregate fund.

II. And be it further enacted by the authority aforesaid, That for every gallon of low wines, or spirits of the first extraction, which at any time or times, during the term of five years, to commence from the said four and twentieth day of *March*, one thousand seven hundred and five, shall be made or drawn from any foreign or imported materials, or any mixture with foreign materials, there shall be paid and payable to her Majesty, her heirs and successors, over and above all other duties charged or chargeable thereupon, by this or any other act or acts of parliament, the sum of two pence, to be paid by the distillers or makers thereof.

Duties, &c.
how to be
raised.

III. And it is hereby enacted, That all the respective duties on low wines, or spirits of the first extraction, by this act granted or continued, shall, during the continuance of the same respectively, be ascertained, secured, raised, levied, recovered, and paid, by such rules and methods, and under such penalties and forfeitures; and subject to such drawbacks and allowances, and under such power of mitigation; as the duties upon the like commodities by the said act of the third year of her Majesty's reign, or any law relating thereunto, are enacted or appointed to be ascertained, secured, raised, levied, recovered, and paid respectively, and are and shall be appropriated and applied to and for the same uses and purposes to which the duties upon low wines by the said act of the third year of her Majesty's reign are appropriated, and ought to be applied.

3 & 4 Ann.
c. 4.

Distillers con-
cealing spirits,
&c. from the
view of the
gager.

IV. And whereas it is found by experience, That any quantity of wash made of drink brewed or made from malted corn, or from unmalted corn, will upon distillation produce one fourth part of the same quantity into low wines, or spirits of the first extraction, and that such low wines or spirits upon the second distillation will produce three fifth parts of the quantity of the same low wines or spirits into proof spirits, or spirits of the second extraction; and that any quantity of wash made of cyder or perry will produce one fifth part of the same quantity into low wines or spirits of the first extraction; and that the same low wines or spirits, upon the second distillation, will produce one half part of the quantity of the same low wines or spirits into proof spirits, or spirits of the second extraction: and whereas many distillers do hide and conceal great quantities of such low wines and spirits from the sight and view of the gager, before he can come to take an account of the same, by means whereof her Majesty may be very much defrauded in her duties

duties on such low wines and proof spirits, granted by this or any other act or acts of parliament for the duties on low wines and spirits; be it therefore enacted by the authority aforesaid. That from and after the four and twentieth day of March, one thousand seven hundred and five, it shall and may be lawful to and for the gaugers and officers of excise, to keep an account of all the said several sorts of wash, which shall from time to time be found by him or them in the hands of any distiller, and upon any decrease of such wash brewed or made from malted corn, or corn unmalted, to charge such distiller with so much low wines or spirits of the first extraction, as one fourth part of the same wash so decreased shall amount unto, and also with so much proof spirits, or spirits of the second extraction, as three fifth parts of the said low wines so charged, as aforesaid, shall amount unto; and also upon any decrease of wash made from cyder or perry, to charge such distiller upon whom such decrease shall be found, with so much low wines or spirits of the first extraction, as one fifth part of the same wash so decreased shall amount unto; and likewise with so much proof spirits, or spirits of the second extraction, as one half part of the same low wines or spirits of the second extraction shall amount unto; and such distillers shall pay the duties of the low wines and spirits so charged, as by the acts relating to the said duties on low wines and spirits, or any of them, are directed and appointed.

Gaugers to keep an account of wash, &c.

On decrease of wash, &c. distiller to pay the duty, &c.

V. Provided always, That nothing herein contained shall extend, or be construed to extend, to take away or lessen any of the powers or authorities heretofore given to any of the officers of excise by any law or laws now in force, touching or concerning the said duties on low wines and spirits.

Act not to lessen the power of officers of the excise.

VI. *And whereas, by an act of parliament made in the ninth year of the reign of his late Majesty, King William the Third, (intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage, towards raising the yearly sum of seven hundred thousand pounds for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life) it is enacted, That if any person or persons, natives or foreigners, bodies politick or corporate, shall import or bring into this kingdom, dominion of Wales, or town of Berwick upon Tweed, any cut whalebone (other than in fins only) he, she, or they shall forfeit the goods, and double the value of the cut whalebone so imported; one moiety thereof to his Majesty, his heirs and successors, and one other moiety to him or them that shall seize or sue for the same, in any of his Majesty's courts of record; yet it is found by practice and experience, that the said penalty is not sufficient to deter ill-designing persons from continuing fraudulently to import great quantities of foreign cut whalebone in short lengths and small parcels, in diminution of her Majesty's revenue, and to the great loss and discouragement of the manufactures employed in cutting of fin whalebone in this kingdom; be it enacted by the authority aforesaid, That from and after the said four and twentieth day of March, one thousand seven hundred and five, any person or persons whatsoever, trading or*

9 & 10 W. 3. c. 23.

Persons having cut whalebone (other than in fins only) found in

dealing

their custody after the 24th day of March, 1705, to forfeit 50l.

Penalty on masters of ships importing such.

Proof where cut to lie on importer, &c.

Persons who thro' misconstructions of the law on stamp paper, &c. have entered admissions of freedoms, &c. on paper, &c. not duly stamped,

discharged from the penalties, &c. on paying duties before the 29th of Sept. 1706.

dealing in whalebone, having in his, her, or their custody, any such foreign cut whalebone, (other than in fins regularly imported) shall forfeit the sum of thirty pounds, and also be subject to the like penalties and forfeitures as the importers thereof, by the aforesaid recited act. are liable unto; and also that the masters of such ships and vessels, knowingly bringing or importing any foreign cut whale-fins or whalebone, as aforesaid, shall forfeit the sum of fifty pounds; one moiety of the aforesaid penalties to her Majesty, her heirs and successors, and the other moiety to such person or persons as shall seize and sue for the same, in any of her Majesty's courts of record at *Westminster*, wherein no effoin, protection, or wager of law, or more than one imparlance shall be allowed; and if any dispute, question or doubt shall arise, whether any cut whalebone found, seized, or received, as aforesaid, were cut in parts beyond the seas, the proof shall be incumbent only upon the importer, claimer, owner, proprietor, or such person or persons, in whose hands or custody such cut whale bone shall be found respectively, and not upon the seizer, informer, or prosecutor; any thing to the contrary notwithstanding.

VII. *And whereas several persons have, (since the double duties upon stamp vellum, paper, and parchment commenced) been admitted to their freedoms in divers corporations, and such their admissions have merely by mistake or misconstruction been entered upon paper or parchment stamps for a less duty than ought to have been paid for the same: and whereas in other cases, several persons freedoms have been admitted, and their admission entered upon paper or parchment without any stamp at all, or any thing paid or received for the same: and whereas divers other persons, clerks, stewards, or bailiffs, keeping or holding inferior courts of record, county courts, courts baron, and courts leet, have through the like mistake or misconstruction of the laws as aforesaid, omitted the issuing, entering, inrolling, or filing of divers actions, plaints, bails, appearances, and other process and proceedings upon double stamp vellum, paper, or parchment; wherefore for quieting the minds of so many of her Majesty's good subjects; be it enacted by the authority aforesaid, That all and every the said freemen so admitted, and all and every the said clerks, stewards, and bailiffs, and all other person and persons so concerned and forfeiting, as aforesaid, shall be, and they hereby are freed and discharged of and from all and every the pains, penalties, and forfeitures not already recovered, and by them respectively incurred, for or in respect of the premises before the first day of *December*, one thousand seven hundred and five; provided that such person or persons forfeiting, as aforesaid, pay or cause to be paid the several duties directed to be paid, by the several acts for granting duties upon stamp vellum, paper and parchment, to the receiver general of the stamp duties, before the nine and twentieth day of *September*, one thousand seven hundred and six; and in default thereof, such persons respectively shall lose the benefit of the indemnity granted by this act.*

VIII. Provided also, That the admissions of all such freemen, as were admitted into any corporation or company, before the said first day of *December*, one thousand seven hundred and five, and all the said other proceedings before that time had, shall be good and valid in law, notwithstanding any neglect or omission before that time, with relation to the said stamp duties; and that all penalties and forfeitures for any offence committed, as aforesaid, which shall not be discharged by paying such duties before the said nine and twentieth day of *September*, one thousand seven hundred and six, shall and may be sued for, prosecuted and recovered, so as the prosecution be commenced at any time within one year after the said nine and twentieth day day of *September*.

Freemens admissions, &c. good in law.

Duties not discharged, penalties to be sued for,

IX. And it is hereby further enacted and declared, That the duties made payable by the said acts, relating to stamp vellum, parchment, and paper, for or in respect of appearances, and other the matters in the said acts, or any of them contained, relating thereto, shall be construed to extend to appearances in such actions wherein no bail is filed, or put in, and not otherwise; any thing in the said acts contained to the contrary notwithstanding.

How duties on appearances shall be construed to extend.

X. And whereas by several acts of parliament, relating to the duties on marriages, births, and burials, all persons, vicars, curates, and other ecclesiastical persons, are required to take an exact and true account, and keep a register in writing of all and every person or persons, married, buried, christened, or born, in his or their respective parishes or precincts; and likewise in the same registers, together with the name of every person so married, buried, christened, or born, to set down and express in writing the respective degree, condition, and quality, according to which the duty to the crown ought to be paid: and in case of burials, the heirs, executors, administrators, fathers, mothers, guardians, church-wardens, or others, who by the said acts ought to pay for the same, and where they dwell respectively: and in case of births, the names of the fathers, mothers, or those that take on them the guardianship, or care of such children so born, and where they live respectively: and in case of marriages, the place of abode of the several husbands, under the penalty of one hundred pounds for some of the said omissions, and other great penalties for the rest; and whereas several persons, vicars, and curates, and other ecclesiastical persons, not being sufficiently apprized of the full import of the said acts of parliament, have not exactly observed the directions therein, as aforesaid, given, and thereby incurred the penalties in the said acts respectively mentioned, and they and their families remain therefore exposed to ruin, although the said duties have been duly answered to her Majesty; be it therefore enacted by the authority aforesaid, That all and every person and persons in holy orders, parson, vicar, and curate, and his and their substitute, having neglected to keep a register in writing, as aforesaid, of all and every, or any person or persons so married, buried, christened, or born, as aforesaid, or to set down and express, together with the name of such person so married, buried, christened, or born,

Duties on marriages, births, &c. 6 & 7 W. 3. c. 6. 7 & 8 W. 3. c. 35. 9 & 10 W. 3. c. 35.

Parsons, &c. who have neglected to keep a register of such marriages, &c. (in case the duties are paid) to be indemnified.

the respective degree, condition, or quality, according to which the said late King's, or her present Majesty's duties ought to be paid, or the name or place of abode of any person or persons, who ought to pay the same, in case the said duty for such marriage, birth, or burial, be really answered and paid, or notified and brought in charge to the collector of the said duties, shall be indemnified against, and discharged from all the penalties and forfeitures in the said acts, or any of them contained, for or upon account of such neglects only.

Frauds on salt,
&c. 1 Annæ,
stat. 1. c. 21.

XI. *And whereas by an act made in the first year of her present Majesty's reign, intituled, An act for preventing frauds in the duties upon salt, and for the better payment of debentures at the custom house, it is enacted, That no debenture shall be made or granted, or drawback allowed to be paid for or upon the account of the exportation of any salt or rock salt for Ireland, unless the exporter of the said salt or rock salt shall produce to the officer appointed to make such debenture, a certificate under the hand of the collector of the customs of the port in Ireland, where such salt or rock salt shall be landed, or the person executing his office; if the particular quantity of salt or rock salt, actually landed: and whereto 'tis equally reasonable, That for salt and rock salt shipped, in order for exportation for Ireland, though the same perish by sinking of the ship, or be taken by the enemies, there should be made and allowed a drawback as in the case where salt and rock salt is exported and landed; be it enacted by the authority aforesaid, That where any salt or rock salt hath been or shall be shipped in order for exportation to Ireland, and the same hath perished or shall perish by sinking of the ship or vessel on which the same was or shall be shipped, and laid on board, or is or shall be taken by the enemies, then and in such case the exporter or proprietor of such salt or rock salt so perishing or lost, shall upon proof made before the justices of the peace, at the general quarter sessions of the peace, to be held for the county, city, riding, division or place from whence the same was so exported, of the loss of such salt so shipped, or to be shipped, receive from the said sessions a certificate, that such proof was made before them, and upon producing the said certificate to the officer of the place where the duty on such salt shall have been paid or secured to be paid, such security shall be discharged, and so much money as was actually paid for the duty of the said salt, shall be repaid upon demand by the said officer, without fee or reward. Provided such proof to be made, as aforesaid, as to all salt lost or taken, before the twentieth day of February, one thousand seven hundred and five, shall be made by two credible witnesses upon oath, before the twentieth day of July, one thousand seven hundred and six; and as to all salt which shall be lost after the said twentieth day of February, one thousand seven hundred and five, the like proof shall be made within six months after such loss or taking, as aforesaid.*

Drawbacks,
&c. allowed
where salt is
lost, or taken
by the enemy.

Proof to be
made within
6 months.

2 & 3 Annæ,
c. 14.

XII. *And whereas in and by one act of parliament made in the second and third year of the reign of her present Majesty, intituled,*

An

An act for the better securing and regulating the duties upon salt, it is amongst other things provided, That nothing therein contained should extend to prohibit the importing and landing any codfish, ling, or hake, which had been caught and cured at Newfoundland or Island, upon making such oath before the landing, of the catching and curing the same, and upon tender thereof upon landing, and before the same be removed from the shore, and under such penalties for not tendering the same, to have part of the tail cut off, as in and by the said act is directed and appointed: and whereas North Sea codfish, ling, and hake, are omitted in the said act; be it further enacted by the authority aforesaid, That nothing therein contained shall extend to prohibit the importing and landing any codfish, ling, or hake, which have been or shall be caught and cured at or in the North Sea, upon making the like oath, and being subject to and under the same restrictions and penalties, as by the above recited act is directed and appointed for codfish, ling, and hake, caught and cured at Newfoundland or Island, and that no allowance be granted, had or obtained upon exportation thereof; any thing therein contained to the contrary thereof in any wise notwithstanding.

North Sea
codfish, &c.
may be im-
ported.

XIII. And whereas in and by one act made in the fifth year of the reign of their late Majesties King William and Queen Mary, of blessed memory, intituled, An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France, it is (amongst other things) enacted, That the sum of one hundred and forty thousand pounds should be a yearly fund for answering the annuities therein mentioned: and whereas

Tickets for
annuities lost,
&c.

many of which said tickets are since burnt, lost, or otherwise destroyed, whereby the said proprietors are in danger of losing their money contained in such tickets; be it enacted by the authority aforesaid, That in all cases where it shall happen, by affidavit to be made on or before the first day of May, one thousand seven hundred and six, before any of the barons of the Exchequer, that any ticket or tickets for any payment or payments on the said annuities, is or are burnt, destroyed, or otherwise lost, it shall and may be lawful for the officer or officers appointed to pay and discharge the said annuities, on producing a certificate from the said baron of such affidavit made before him, which affidavit the barons, or any one of them, is and are hereby authorized to take, and which certificate he or they are hereby required to grant without fee or reward, and on security given to the said officer, to his good liking, to indemnify him against all persons whatsoever for or concerning the monies contained or specified in such ticket or tickets, or which was, is, or shall be due thereon, he the said officer is hereby required to pay and discharge the said annuities by the said tickets incurred and grown due, or which shall hereafter incur or grow due, as a-

on affidavit
and certifi-
cate, &c. officer
to pay the
same.

Such payments to be allowed in his accounts.

forefaid, as if the faid tickets had been produced, and fhall be allowed fuch payments in his accounts; any thing in this or any other act contained to the contrary thereof in any wife notwithstanding.

The Queen may difpofe of 6472 l. 1s. as a charity to Greenwich hofpital.

XIV. And be it enacted by the authority aforefaid, That it fhall and may be lawful for her Majefty, if fhe pleafeth, to difpofe as a charity, to and for the ufe and benefit of the royal hofpital for feamen at *Greenwich*, the fum of fix thousand four hundred feventy two pounds, one fhilling, which was paid into the receipt of Exchequer, on or about the one and thirtieth day of *January*, one thousand feven hundred and four, for publick ufes, by *Richard Crawley* efquire receiver of the goods of pirates, and other perquifites of the admiralty, being money or the proceed of goods and merchandizes which were taken with *William Kidd* a notorious pirate, who was taken and executed feveral years fince.

Monies, &c. how appropriated.

4 Annæ, c. 2.

4 Ann. c. 5.

XV. And be it further enacted by the authority aforefaid, That all the monies which fhall be lent to her Majefty on two acts of this feffion of parliament; the one, (intituled, *An act for granting an aid to her Majefty by a land tax, to be raifed in the year one thousand feven hundred and fix*) and the other, (intituled, *An act for continuing the duties upon malt, marm, cyder and perry, for the fervice of the year one thousand feven hundred and fix*) and fo much of the feveral taxes and duties thereby granted, as fhall remain, (after all the loans made or to be made upon the faid refpective acts, and the intereft thereof, and the charges thereby allowable for raifing the taxes and duties thereby granted, fhall be fatisfied, or money fufficient fhall be referved to difcharge the fame) and all the monies to be contributed or advanced upon another act of this feffion of parliament, (intituled, *An act for continuing an additional fubfidy of tunnage and poundage, and certain duties upon coals, culm, cynders, and additional duties of excife, and for fettling and eftablifhing a fund thereby, and by other ways and means, for payment of annuities to be fold for raifing a further fupply to her Majefty, for the fervice of the year one thousand feven hundred and fix*) except as therein is excepted and referved, fhall be appropriated, iffued, and applied, and the fame are hereby appropriated for or towards the feveral ufes and purpofes herein after expreffed (that is to fay) for or towards the defraying the charges of the ordinary of her Majefty's navy, and for victuals, wages, wear, tear, and other fervices of the navy, and the victualing thereof, performed and to be performed; and for the fea fervice in the office of the ordnance, performed and to be performed; and for or towards the making of a wharf and ftoreshouse at *Portsmouth*; and for paying for ftores and carriages for eight fhips new built, in lieu of thofe loft in the great ftorm; and for or towards the land fervices performed, and to be performed, by the office of the ordnance; and to and for fubfiftence, off-reckonings and clearings for one year, from the three and twentieth day of *December*, one thousand feven hundred and five, to her Majefty's guards and gar-

Charges of the navy, &c.

Land forces, &c.

rifions

rifons in *England*, and the dominions thereunto belonging (*Ireland* excepted) and the contingent charges of the same; and for payment of invalids for the said year, beginning from the said three and twentieth day of *December*, one thousand seven hundred and five; and for or towards the defraying the charges of her Majesty's army, and such forces as are or shall be added thereunto in the *Low Countries* or *Germany*, within or for one year, to be reckoned from the said three and twentieth day of *December*, one thousand seven hundred and five, and the contingent charges thereunto belonging; and for or towards the defraying her Majesty's part of the charge of the forces acting or to act in conjunction with the forces of the King of *Portugal*, until or at any time before the five and twentieth day of *December*, one thousand seven hundred and six; and for or towards the pay of the five thousand land forces now in *Catalonia*, which are resolved to be continued for the year one thousand seven hundred and six; and for or towards her Majesty's proportion of the further charges necessary to prosecute the successes already gained by King *Charles* the Third, for recovery of the monarchy of *Spain* to the house of *Austria*; and for or towards the payment of her Majesty's proportion of the subsidies due upon treaties made or to be made with her Majesty's allies, and other charges for the service of the war for any time before, or until the said five and twentieth day of *December*, one thousand seven hundred and six; and for or towards the making good the payment of her Majesty's share of the subsidies, payable to the King of *Prussia*, which was not provided for in the last session of parliament; and for or towards the making good the payment of the bounty-money bestowed by her Majesty on the land forces that served in the campaign in *Germany*, in the year one thousand seven hundred and four, pursuant to the address of the house of commons; and for making good an additional charge to the troops of *Hanover* and *Zell*, which was not provided for in the said last session; and for making good the charge of general officers, and contingencies in the expedition to *Spain*, which was not provided for in the said last session; and to answer the levy-money to make good the horses of the *English* horse and dragoons, that were killed and died of the common distemper in the last campaign in the *Low Countries*; between the first of *May* and the one and thirtieth day of *October*, one thousand seven hundred and five; and to make good the horses that were lost by the officers of the *English* troops, during the last campaign in the *Low Countries*; and for or towards the transportation of land forces, performed and to be performed; and for or towards discharging of the premiums and other charges for circulating the bills, commonly called Exchequer bills; and for payment of interest after the rate of five pounds *per centum per annum*, for the unsatisfied debentures charged on the *Irish* forfeitures, and to no other uses, intents, and purposes whatsoever.

Forces in Portugal.

Catalonia.

Treaties.

Prussia.

Bounty money.

Troops of Hanover and Zell, &c.

To make good horses killed, &c. Transports, &c.

87125L. 102.
for the ma-
rines, &c.

XVI. Provided always, That out of the monies to be issued to the guards and garrisons, as aforesaid, there shall and may be taken and applied any sum, not exceeding eighty seven thousand one hundred twenty five pounds, ten shillings, towards the charge of maintaini^{ng} the soldiers raised, and to be raised, for sea service, with their officers, and the contingent charges thereunto belonging, and out of the monies to be issued for the service of the navy and sea services, as aforesaid, there shall be taken and applied such sums, as together with the said sum, not exceeding eighty seven thousand one hundred twenty five pounds, ten shillings, shall be necessary for the charge of maintaini^{ng} the said soldiers for sea service, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithstanding.

C A P. XIII.

An act for the better ordering and governing the watermen and lightermen upon the river of Thames.

1 Jac. 1. c. 16.

11 & 12 W. 3.
c. 25.

WHEREAS by an act of parliament made in the first year of the reign of the late King James the First, intituled, An act concerning wherry-men and watermen, it is (amongst other things) enacted, That no wherryman or waterman shall take any apprentice, unless he shall be then of the age of eighteen years at the least, except the son of a waterman, who by the said act may be taken apprentice at the age of sixteen years: and whereas by one other act of parliament made in the eleventh and twelfth years of the reign of his late Majesty King William the Third, intituled, An act for the explanation and better execution of former acts made touching watermen and wherry-men rowing on the river of Thames, and for the better ordering and governing the said watermen, wherry-men, and lightermen, upon the said river between Gravesend and Windsor, the said watermen, wherry-men and lightermen are impow^{er}ed to make reasonable and lawful rules, orders, and constitutions, for their government, in such manner as in the same act is mentioned: and whereas several of the rules, orders, and constitutions which have been made under colour of the said last-mentioned act, especially the fourth, which directs, that no waterman shall have any more than one apprentice at one time, nor shall be capable of taking an apprentice, until such master hath been a freeman seven years, nor shall take a second apprentice until his first be dead, or the term expired; and that not any lighterman shall take any apprentice, until he is a real owner of two lighters, nor shall have more than one apprentice at one time, under the penalties therein mentioned; have by experience been found to be prejudicial and destructive to the breeding of sea-faring men, and a great burthen upon the navigation and trade of the said river of Thames, and of this kingdom in general, and the same not being alterable otherwise than by the authority of parliament, or by the consent of the said company of watermen and lightermen, who have a long time refused to give their consent thereto; for remedy whereof, and for the better increase of seamen for her Majesty's service, and the trade, the which is of so great importance

to this kingdom; be it enacted by the Queen's most excellent majesty, by and with the consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said clause or clauses in the said first recited act of parliament, that restrain the taking of apprentices, till they shall arrive to the several ages of eighteen and sixteen years, as aforesaid, and also the said recited rule, order, and constitution, and all and every other rule, order, and constitution made for restraining of any waterman, wherryman, or lighterman, that now are or hereafter shall be free of the said company, from taking and breeding of apprentices, shall be, and is hereby repealed, and declared to be void and of none effect.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the court of lord mayor and aldermen of the city of *London*, for the time being, and they are hereby authorized and impowered, from time to time, and at all times hereafter, to review, or re-examine, alter, or amend all such rules and by-laws which relate to the apprentices of watermen and lightermen, and all other orders and constitutions, which have been heretofore, or which shall hereafter be made for the government of the said company of watermen and lightermen; which said alterations and amendments shall be subject nevertheless to the approbation of the chief justice of her Majesty's court of *Queen's Bench* for the time being; and all such rules, orders, and constitutions as shall be hereafter reviewed, re-examined, altered, or amended by the said court of lord mayor and aldermen, shall, from time to time, and at all times hereafter, be approved of, as aforesaid, and well and duly observed and put in execution; the said recited acts, or rules, or any other act, clause, rule, order, or constitution to the contrary thereof in any wise notwithstanding.

III. Provided always, That this act, or any thing therein contained, shall not extend or be construed to extend to the lessening, taking away, abridging, hindring, prejudicing, or otherwise howsoever impeaching of any right belonging to or lawfully claimed by the late *Charles* duke of *Richmond* and *Lenox*, lord of the manor of *Gravesend*, his heirs, executors, administrators, or assigns, for the holding a certain court within the said manor, called *Curia cursus aquæ*, or the court of the water-course, for the better government of barges, boats, and vessels, using the ferry or passage from the town of *Gravesend* to *London*, and of the persons owning or working the same, or of any other rights, liberties, powers, and privileges whatsoever belonging to the said late duke, his heirs, executors, administrators, and assigns, relating to the said ferry or passage, or to the barges, tilt-boats, or other boats and vessels using the said ferry or passage, or plying at the bridge of the said town of *Gravesend*, or the persons owning or working the same, or otherwise howsoever.

Clause repealed.

Rule for restraining watermen from taking of apprentices, repealed.

See 2 Geo. 2.

c. 26.

10 Geo. 2.

c. 37.

Lord mayor and aldermen of London to review and amend the by laws of the watermens company, &c.

Act not to lessen the right of holding the Curia cursus aquæ at Gravesend.

Nor the privileges of the mayor and jurats, &c. of Gravesend,

IV. Provided always, That this act, or any thing therein contained, shall not extend, or be construed to extend to the lessening, taking away, abridging, hindring, prejudicing, or impeaching of any grants, liberties, franchises, customs, privileges, or usages, now or heretofore lawfully used, held, or enjoyed by the mayor, jurats, and capital inhabitants of the villages and parishes of *Gravesend* and *Milton* in the county of *Kent*, touching, concerning, or relating to the passage and ferry upon the said river of *Thames*, from the said villages and parishes of *Gravesend* and *Milton*, to the said city of *London*, or touching or concerning the government or gubernation of the said passage and ferry; but that the said mayor, jurats, and inhabitants, and their successors, shall and may do and execute all and every such lawful act and acts, powers, and authorities, touching the said passage and ferry, and the government thereof, as they might or could have done, if this act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding. 2 *Geo. 2. c. 26.*

CAP. XIV.

An act for the better collecting charity money on briefs by letters patents; and preventing abuses in relation to such charities.

WHEREAS many inconveniencies do arise, and frauds are committed in the common method of collecting charity money upon briefs by letters patents, to the great trouble and prejudice of the objects of such charity, and to the great discouragement of well disposed persons: for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and six, upon the issuing forth of letters patents for collecting of charity money, commonly called briefs, copies thereof, to the number required by the petitioners for such briefs, or their agents, and no more, shall be printed by the printer to her Majesty, her heirs or successors only, at the usual rates for printing, and by such printer the whole number of such copies shall be delivered to such person or persons only, as shall, by and with the consent of the petitioners for such brief, or the major part of them, undertake the laying or disposing such printed copies, in order to the collection of the monies to be received thereon, or to some or one of them, who, or one or more of them, shall give a receipt for the same, expressing the number thereof in such receipt, which receipt, or an attested copy thereof, such printer shall forthwith deliver to the register of the court of chancery to be filed in the register's office, and thereupon the person or persons so undertaking such collection, or some or one of them, shall cause all the said printed copies to be indorsed or marked in

From 25
March, 1706.
all copies of
briefs for col-
lecting cha-
rity money
shall be print-
ed by the
Queen's
printers.

in some convenient part of such printed copy, with the name of one or more of the trustees or commissioners named in such letters patents, written with his or their own hand, and the time of signing the same, and also cause the said printed copies to be stamped in the manner hereafter more particularly mentioned: and the said whole number being so signed, shall be, with all convenient speed, by the said undertaker or undertakers, sent and delivered to the respective church-wardens, and chapel-wardens of the respective churches and chapels, and to the respective teachers and preachers of every separate congregation, and to any person who hath taught or preached in any meeting of the people called *Quakers*, in the counties and places to be comprized in such letters patents, to be read and published, and the charity thereon to be collected in the several churches, chapels, or places of meeting to which they belong, who shall so receive the same; and that the said church-wardens, chapel-wardens, preachers, teachers, and quakers having taught, as aforesaid, immediately after such receipt, shall indorse the time of his or their receiving the same, and set his or their names thereto; and the said church-wardens and chapel-wardens shall forthwith deliver over the said printed briefs by them received, to the several ministers and curates of the said churches or chapels, who shall receive the same; and the said respective ministers and curates shall on receipt thereof indorse the time they respectively received the same, and set their respective names thereto; and the said respective ministers and curates, teachers, preachers, and persons called *Quakers*, qualified as aforesaid, shall on some *Sunday*, within two months after receipt of such copies, immediately before the sermon, preaching or teaching shall begin, openly read or cause to be read such printed briefs in their respective churches, chapels, and places of meeting, to the congregation there assembled, and the respective church-wardens, chapel-wardens, and the teachers of every such separate congregation, and such persons called *Quakers*, to whom the briefs shall have been so delivered, as aforesaid, shall collect the sums of money that shall be freely thereon given, either in the said respective assemblies, or by going from house to house of the members of their respective congregations, as the briefs shall require in that behalf; and on every such collection made, the sum that shall be collected, with the place where, and time when the same was collected, shall be indorsed, fairly written in words at length on such respective printed briefs, and signed by the minister or curate, and the church-wardens in churches and chapels, and by the teacher and two elders, or two other substantial persons of every separate congregation; and that thereupon the said respective church-wardens and chapel-wardens, and the respective teachers or preachers, or other persons required to make the collection, as aforesaid, on request of such person or persons as shall undertake to place and disperse the briefs, as aforesaid, or of any person by them, or any of them lawfully authorized, shall deliver to such person or persons,

Ministers, &c. on some Sunday within a months after receipt of copy, &c. shall before sermon, openly read the same. Church-wardens, &c. to collect the money. Sum collected to be indorsed on such printed brief, and signed by minister, &c.

and delivered to the undertakers of the brief, &c.

Penalty on minister, &c. neglecting.

Undertakers within 6 months after delivery, to demand the same from the church-wardens, &c.

and the monies received thereon,

and enter in a book the number of printed briefs received, &c.

Printed copies (when received back) to be deposited with the register of the court of Chancery.

Penalty on undertaker not returning the whole number, &c.

sons, making such request, the respective printed briefs so indorsed, as aforesaid, and the monies thereon collected, taking a receipt for the same, from the person so receiving such monies, in some book to be kept for that purpose, on pain that every the said ministers, curates, teachers, preachers, church-wardens, chapel-wardens, and quakers qualified and required, as aforesaid, who shall refuse or neglect to do any of the matters or things before respectively required of them, shall forfeit the sum of twenty pounds, to be recovered and applied as herein after is directed; and the said person or persons who shall so undertake to place, and disperse the said briefs as aforesaid, shall within six months next after the respective placing or delivering such copies in the respective parishes, as aforesaid, by themselves, or some or one of them, or by some person or persons by them or the major part of them to be appointed, as aforesaid, demand from the respective church-wardens and chapel-wardens of churches and chapels, and from the preacher and teacher of separate congregations, or from such teaching quaker to whom the said printed briefs shall have been respectively delivered, as aforesaid, the printed briefs so left with him or them respectively, and the monies respectively by them received thereon; and on delivery and payment made shall give to them respectively, as aforesaid, a receipt for the same, on pain to forfeit the sum of twenty pounds, to be recovered and disposed of as herein after is directed.

II. And to the intent a speedy, regular, and satisfactory account may be rendered of the sums of money collected by virtue of such briefs, be it enacted by the authority aforesaid, That the person or persons so undertaking to place or disperse the said printed briefs, or the greater part of them, shall make, or cause to be made, a fair entry in a book for that purpose by them to be kept (to which all persons concerned may at all times resort) of the number of the printed briefs they so received, and also when signed and sent away, and to what parishes and places, and the time of their receiving the same back, and the monies thereon collected; and the said printed copies so received back, shall be deposited and left with the register of the court of chancery, with whom the receipt given to the printer for the same as aforesaid, was registered, to the end it may appear that the whole number received of the said printer is duly returned, and that the same may be from time to time made use of, as well by the sufferers and their agents, as by the said undertakers and their agents or solicitors, in passing the accounts in the method herein after prescribed; and if the whole number of printed copies of such briefs so received of the printer, shall not be duly returned as hereby required, the undertaker or undertakers shall, for every printed copy, which shall be found wanting and not returned, as aforesaid, by default of them or their agents, forfeit the sum of fifty pounds, to be recovered and applied as herein after-mentioned; unless he or they shall make a sufficient proof, to the satisfaction of the court

of chancery, of the said briefs so wanting being lost or destroyed by inevitable accident, and of what money was really and truly collected thereon, and fully account for, and pay the same; and that in each parish or chapelry, and separate congregation, a register shall be kept by the minister or teacher there, or by some teaching quaker, of all monies collected by virtue of such briefs, therein also inserting the occasion of the brief, and the time when the same was collected, to which all persons at all times may resort without fee.

In each parish, &c. a register to be kept of all monies collected.

III. And for the better indorsing what money is collected on the back of the printed briefs, and for the more regular examination thereof, and for the preventing the counterfeiting printed copies of the briefs, by which great frauds have been put in practice; be it enacted by the authority aforesaid, That on the back of every printed copy of such brief, there shall be printed the form of indorsement, with the necessary blanks for time, place and sum of money, to be filled up by the respective persons aforesaid; and each printed copy of such brief shall before it be carried to the respective parishes wherein the collection is to be made, be stamped or marked with a proper stamp to be made for that purpose, and kept by the register of the court, of chancery, who is to see that no greater number of printed copies be stampd or marked therewith, than is in the receipts given to the printer, and left with the register, as aforesaid, specified and declared; and if any person or persons shall forge or counterfeit such stamp, such person being thereof lawfully convicted, shall be publickly set on the pillory for the space of one whole hour.

Form of indorsement to be printed on the back of every printed brief, with proper blanks, &c. and stamp, &c.

Penalty on counterfeiting stamp.

IV. And be it further enacted by the authority aforesaid, That the said undertaker or undertakers, shall within two months after the monies respectively received, and after due notice thereof to the sufferers (who are to be admitted to controvert the same) account before one of the masters of the court of chancery, to be for that purpose appointed by the lord chancellor, lord keeper, or commissioners for the custody of the great seal of England for the time being, for all the monies by them received on account of such letters patents and briefs, and shall produce before him an exact account of the respective printed briefs by them delivered out, and received back, and left with the register, as aforesaid, and thereupon the said master shall proceed to make his report of what shall be found due on such account; and the said report being confirmed by the said court of chancery as usual, shall be a charge on the said undertaker or undertakers, and shall be carried into execution against him or them, as if decreed in a suit there depending; in taking which account such master shall make all just allowances to such undertakers, for their trouble and pains of management, over and besides the charges to be expended for the said letters patents and copies thereof; and such master shall also have power by the common methods of the court of chancery, to examine into all frauds and ill practices that shall be committed

Undertakers to account for all monies received within two months after receipt,

and be allowed for their pains.

committed

Undertakers,
&c. found
guilty of
frauds, to be
fined.

committed by the said undertakers or their agents, or any others concerned for or under them in such collection, and report the same to the court; which report being confirmed by the said court, it shall be in the power of the lord chancellor, lord keeper, or commissioners aforesaid, for the time being, to impose such fine and costs on every such offender, as the nature of the case shall require; which said fine, and all other forfeitures incurred by the said undertakers or their agents, shall be only for the benefit of the sufferers, for whose benefit such briefs shall be granted, and shall and may be recovered by the order of the said court of chancery, founded on such report so confirmed, as aforesaid, and carried into execution, as the decrees of that court usually are.

Proviso con-
cerning penal-
ties.

V. Provided always, That where any penalties are by this act inflicted on any person or persons, other than the undertakers, their agents, deputies, substitutes, or servants, such penalties shall be recovered by action of debt, bill, plaint, or information.

No persons to
farm or pur-
chase charity-
money on
briefs, &c.

VI. *And whereas there hath been an evil practice in farming and purchasing for a sum of money, the charity-money that should or might be collected on such briefs, to the very great hindrance and discouragement of alms-giving on such occasion;* be it therefore enacted by the authority aforesaid, and it is hereby declared, That all farming and purchasing of such charity-money is unlawful, and that from and after the aforesaid five and twentieth day of *March*, if any person or persons shall purchase or agree for any charity-money to be collected on any briefs or letters patents, or by any instrument of covenant or agreement, by way of farming, shall or may pretend to appropriate such charity-money, or any part thereof to his or their use, contrary to the intent and meaning of such letters patents, by which such charity-money shall be collected, and contrary to the intent and meaning of this act, such purchase and instrument of covenant and agreement, shall be void, and each person agreeing to purchase the benefit of such brief, shall forfeit the sum of five hundred pounds, to be applied for the benefit of the sufferers in such letters patents mentioned, and to be recovered, as before last mentioned.

on penalty.

C A P. XV.

An act for making the river Stower navigable, from the town of Maningtree in the county of Essex, to the town of Sudbury in the county of Suffolk.

River Stower to be made navigable from Maningtree in Essex, to Sudbury in Suffolk. Powers granted to the undertakers. Commissioners appointed for determining differences. Any nine of them empowered to act. Persons declining commissioners mediation, sheriff of the county to impanel a jury; who, on oath, are to inquire and assess damages, &c. Such assessment to be binding. On payment of sum assessed, &c. Undertakers, &c. may act in pursuance of such final order. No commissioner to act in any case where concerned. In case of death of commissioners, or refusal to act, the number shall be supplied. Undertakers to receive for goods, merchandizes, &c. viz. For every chaldre of coals 5 s. every ton weight of other goods, &c. 5 s. On nonpayment, undertakers

Undertakers may sue or detain goods. Watermen, &c. may use wharves. Owners of barges, boats, &c. responsible for damages done by barges, &c. Commissioners to have the sole power of surveying the river, &c. and not to be under the survey of any commission of sewers. Persons sued on this act, may plead the general issue. Defendants to have full costs. Act to be deemed a public act. Rights of fishing reserved. Owners of lands may use pleasure boats, &c. Lawful to enter into any boat, vessel, &c. and seize nets, &c. for taking fish. Undertakers by the twenty fourth of June, 1708, to begin their works, and finish the same by the twenty fourth of June, 1713. If works be not finished by the time limited, commissioners may appoint others to perfect the same, &c. And so *thence* *quoties*. Mill-stones, scribe, lime, &c. for the use of the mills, exempt from toll. The sea walls and banks, &c. belonging to Lawford Hall in Essex, shall be repaired and maintained. Dr. Dent to pay 5l. per ann. to the undertakers, on penalty of distress. No duty to be paid for dung, muck, &c. used for manuring of owners lands, &c. Wharfrage duty for coals, &c. payable at Sudbury. All boats, barges, &c. to be registered and marked. No boat to be marked with another's mark.

CAP. XVI.

An act for the amendment of the law, and the better advancement of justice.

FOR the amendment of the law in several particulars, and for the easier, speedier, and better advancement of justice, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of Trinity term, which shall be in the year of our Lord one thousand seven hundred and six, where any demurrer shall be joined, and entered in any action or suit in any court of record within this realm, the judges shall proceed and give judgment, according as the very right of the cause and matter in law shall appear unto them, without regarding any imperfection, omission, or defect in any writ, return, plaint, declaration, or other pleading, process, or course of proceeding whatsoever, except those only which the party demurring shall specially and particularly set down and express, together with his demurrer, as causes of the same, notwithstanding that such imperfection, omission, or defect might have heretofore been taken to be matter of substance, and not aided by the statute made in the twenty seventh year of Queen Elizabeth, intituled, *An act for the furtherance of justice in case of demurrer and pleadings*, so as sufficient matter appear in the said pleadings, upon which the court may give judgment according to the very right of the cause; and therefore from and after the said first day of Trinity term, no advantage or exception shall be taken of or for an immaterial travers; or of or for the default of entering pledges upon any bill or declaration; or of or for the default of alledging the bringing into court any bond, bill, indenture, or other deed whatsoever mentioned in the declaration or other pleading; or of or for the default of alledging of the bringing into court letters testamentary, or letters of administration; or of or for the omission of

By 9 Anne, c. 20. s. 7. This statute is extended to writs of Mandamus and informations in nature of Quo Warranto. From Trinity term, 1706, judges shall give judgment on demurrer, &c. without regarding any defect in writ, &c. Exception. 27 Eliz. c. 5.

of *Vi & Armis & contra pacem*, or either of them; or of or for the want of averment of *Hoc paratus est verificare*, or, *Hoc paratus est verificare per Recordum*; or of or for not alledging *provis patet per Recordum*, but the court shall give judgment according to the very right of the cause, as aforesaid, without regarding any such imperfections, omissions, and defects, or any other matter of like nature, except the same shall be specially and particularly set down and shewn for cause of demurrer.

All statutes of jeofails to be extended to judgments upon *Nihil dicit*, &c.
No such judgment to be reversed.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *Trinity* term, all the statutes of jeofails shall be extended to judgments which shall at any time afterwards be entred upon confession, *Nihil dicit*, or *Non sum informatus*, in any court of record; and no such judgment shall be reversed, nor any judgment upon any writ of enquiry of damages executed thereon be staid or reversed, for or by reason of any imperfection, omission, defect, matter, or thing whatsoever, which would have been aided and cured by any of the said statutes of jeofails in case a verdict of twelve men had been given in the said action or suit, so as there be an original writ or bill, and warrants of attorney duly filed according to the law as is now used.

When warrants of attorney shall be filed.

III. Provided always, and be it enacted by the authority aforesaid, That the attorney for the plaintiff, or demandant in any action or suit, shall file his warrant of attorney with the proper officer of the court where the cause is depending the same term he declares; and the attorney for the defendant or tenant shall file his warrant of attorney as aforesaid, the same term he appears, under the penalties inflicted upon attorneys by any former law for default of filing their warrants of attorney.

Defendant, &c. may plead several matters.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of *Trinity* term it shall and may be lawful for any defendant or tenant in any action or suit, or for any plaintiff in replevin, in any court of record, with the leave of the same court, to plead as many several matters thereto, as he shall think necessary for his defence.

Proviso touching costs.

V. Provided nevertheless, That if any such matter shall upon a demurrer joyned, be judged insufficient, costs shall be given at the discretion of the court; or if a verdict shall be found upon any issue in the said cause for the plaintiff or demandant, costs shall be also given in like manner, unless the judge, who tried the said issue, shall certify, that the said defendant, or tenant, or plaintiff in replevin, had a probable cause to plead such matter which upon the said issue shall be found against him.

Venire facias how to be awarded.

VI. And whereas great delays do frequently happen in trials, by reason of challenges to the arrays of panels of jurors, and to the polls, for default of bundredors: for prevention thereof for the future, be it enacted by the authority aforesaid, That from and after the said first day of *Trinity* term, every *Venire facias* for the trial of any issue, in any action or suit in any of her Majesty's courts of record at *Westminster*, shall be awarded of the body of the proper county where such issue is triable.

VII. Pro-

VII. Provided always, and be it enacted by the authority aforesaid, That nothing in this act before contained, shall extend to any writ, declaration, or suit of appeal of felony or murder, or to any indictment or presentment of treason, felony, or murder, or other matter, or to any process upon any of them; or to any writ, bill, action, or information upon any penal statute.

Not to extend to writs of appeal of felony or murder, &c.

VIII. And be it further enacted by the authority aforesaid, That from and after the said first day of *Trinity* term in any actions brought in any of her Majesty's courts of record at *Westminster*, where it shall appear to the court in which such actions are depending, that it will be proper and necessary, that the jurors who are to try the issues in any such actions, should have the view of the messuages, lands, or place in question, in order to their better understanding the evidence that will be given upon the trials of such issues, in every such case the respective courts in which such actions shall be depending, may order special writs of *Distringas* or *Habeas Corpora* to issue, by which the sheriff, or such other officer to whom the said writs shall be directed, shall be commanded to have six out of the first twelve of the jurors named in such writs, or some greater number of them, at the place in question, some convenient time before the trial, who then and there shall have the matters in question shewn to them by two persons in the said writs named, to be appointed by the court; and the said sheriff, or other officer, who is to execute the said writs, shall, by a special return upon the same, certify that the view hath been had according to the command of the said writs.

Where jurors are to view lands, &c. court may order special writs of *Distringas* or *Habeas Corpora*.

IX. And be it further enacted by the authority aforesaid, That from and after the said first day of *Trinity* term, all grants or conveyances thereafter to be made, by fine or otherwise, of any manors or rents, or of the reversion or remainder of any messuages or lands, shall be good and effectual, to all intents and purposes, without any attornment of the tenants of any such manors, or of the land out of which such rent shall be issuing, or of the particular tenants upon whose particular estates any such reversions or remainders shall and may be expectant or depending, as if their attornment had been had and made.

All grants and conveyances, &c. to be good, without attornment of tenants.

X. Provided nevertheless, That no such tenant shall be prejudiced or damaged by payment of any rent to any such grantor or consor or by breach of any condition for non-payment of rent, before notice shall be given to him of such grant by the conseree or grantee.

Proviso.

XI. And be it further enacted by the authority aforesaid, That from and after the said first day of *Trinity* term, no dilatory plea shall be received in any court of record, unless the party offering such plea, do, by affidavit, prove the truth thereof, or shew some probable matter to the court to induce them to believe that the fact of such dilatory plea is true.

No dilatory plea to be received unless on affidavit.

XII. And be it further enacted by the authority aforesaid, That from and after the said first day of *Trinity* term, where any action of debt shall be brought upon any single bill, or

Action of debt brought on single bill, or where judgment, af-

ter money
paid, such pay-
ment may be
pleaded in bar.

where action of debt, or *Sive facias*, shall be brought upon any judgment, if the defendant hath paid the money due upon such bill or judgment, such payment shall and may be pleaded in bar of such action or suit, and where an action of debt is brought upon any bond which hath a condition or defeazance to make void the same upon payment of a lesser sum at a day or place certain, if the obligor, his heirs, executors, or administrators, have, before the action brought, paid to the obligee, his executors or administrators, the principal and interest due by the defeazance or condition of such bond, though such payment was not made strictly according to the condition or defeazance; yet it shall and may nevertheless be pleaded in bar of such action, and shall be as effectual a bar thereof, as if the money had been paid at the day and place, according to the condition or defeazance, and had been so pleaded.

The like on
bonds.

Principal and
interest on
bonds paid in
court, &c.
court may dis-
charge de-
fendant.

XIII. And be it further enacted by the authority aforesaid, That if at any time, pending an action upon any such bond with a penalty, the defendant shall bring into the court where the action shall be depending, all the principal money, and interest due on such bond, and also all such costs as have been expended in any suit or suits in law or equity upon such bond, the said money so brought in shall be deemed and taken to be in full satisfaction and discharge of the said bond, and the court shall and may give judgment to discharge every such defendant of and from the same accordingly.

Nuncupative
wills.
29 Car. 2. c. 3.

XIV. And whereas by an act of parliament made in the twenty ninth year of King Charles the Second, intituled, An act for prevention of frauds and perjuries, it is enacted, That no nuncupative will shall be good, where the estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the oaths of three witnesses, at the least, that were present at the making thereof; it is hereby declared, That all such witnesses as are and ought to be allowed to be good witnesses upon trials at law, by the laws and customs of this realm, shall be deemed good witnesses to prove any nuncupative will, or any thing relating thereunto.

Declarations
of uses, trusts,
&c. of fines or
recoveries.

XV. And whereas it hath been doubted, whether since the making of the said last-mentioned act of parliament, the declarations or creations of uses, trusts, or confidences, of any fines or common recoveries manifested by deed made after the levying or suffering of such fines or recoveries, are good and effectual in law; it is hereby declared, That all declarations, or creations of uses, trusts, or confidences, of any fines or common recoveries of any lands, tenements, or hereditaments, manifested and proved, or which hereafter shall be manifested and proved, by any deed already made, or hereafter to be made, by the party who is by law enabled to declare such uses or trusts, after the levying or suffering of any such fines or recoveries, are and shall be as good and effectual in the law, as if the said last mentioned act had not been made.

29 Car. 2. c. 3.

No claim or
entry to be of
force to avoid

XVI. And be it further enacted by the authority aforesaid, That from and after the said first day of Trinity term, no claim or entry to be made of or upon any lands, tenements, or hereditaments,

ditaments, shall be of any force or effect to avoid any fine levied or to be levied with proclamations, according to the form of the statute in that case made and provided in the Queen's court of *Common Pleas* at *Westminster*, or in the courts of sessions in any of the counties palatine, or in courts of grand sessions in *Wales*, of any lands, tenements, or hereditaments, or shall be a sufficient entry or claim within the statute made in the twenty first year of King *James* the First, intituled, *An act for limitation of actions, and for avoiding of suits in law*, unless upon such entry or claim, an action shall be commenced within one year next after the making of such entry or claim, and prosecuted with effect.

fine levied with proclamations, &c. unless an action be commenced in one year after such entry made.
21 Jac. 1. c. 16.
Seamens wages.

XVII. And be it further enacted by the authority aforesaid, That all suits and actions in the court of admiralty for seamens wages, which shall become due after the said first day of *Trinity* term, shall be commenced and sued within six years next after the cause of such suits or actions shall accrue, and not after.

XVIII, Provided nevertheless, and be it further enacted, That if any person or persons, who is or shall be intitled to any such suit or action for seamens wages, be or shall be, at the time of any such cause of suit or action accrued, fallen or come, within the age of twenty one years, feme covert, *Non compos mentis*, imprisoned, or beyond the seas, that then such person or persons shall be at liberty to bring the same actions, so as they take the same within six years next after their coming to, or being of full age, discover, of sane memory, at large, and returned from beyond the seas.

Proviso in case of nonage, feme covert, or *Non compos mentis*, &c.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons, against whom there is or shall be any such cause of suit or action for seamens wages, or against whom there shall be any cause of action of trespass, detinue, actions sur trover, or replevin for taking away goods or cattle, or of action of account, or upon the case, or of debt grounded upon any lending or contract without specialty, of debt for arrearages of rent, or assault, menace, battery, wounding, and imprisonment, or any of them, be or shall be, at the time of any such cause of suit or action given or accrued, fallen, or come, beyond the seas, That then such person or persons, who is or shall be entitled to any such suit or action, shall be at liberty to bring the said actions against such person and persons, after their return from beyond the seas, so as they take the same after their return from beyond the seas, within such times as are respectively limited for the bringing of the said actions before by this act, and by the said other act made in the one and twentieth year of the reign of King *James* the First.

Action against persons gone beyond the seas, may be brought after their return.

Proviso.

21 Jac. 1. c. 16.

XX. And be it enacted by the authority aforesaid, That if any person or persons shall be arrested from and after the said first day of *Trinity* term, by any writ, bill, or process, issuing out of any of her Majesty's courts of record at *Westminster*, at the suit of any common person, and the sheriff or other officer taketh bail from such person, against whom such writ, bill, or process

Bail bond taken by sheriff, &c. may be assigned to plaintiff.

Proviso.

process is taken out, the sheriff or other officer at the request and costs of the plaintiff in such action or suit, or his lawful attorney, shall assign to the plaintiff in such action the bail bond, or other security taken from such bail, by endorsing the same, and attesting it under his hand and seal in the presence of two or more credible witnesses, which may be done without any stamp; provided the assignment so endorsed be duly stamped before any action be brought thereupon; and if the said bail bond or assignment, or other security taken for bail be forfeited, the plaintiff in such action, after such assignment made, may bring an action and suit thereupon in his own name, and the court where the action is brought, may by rule or rules of the same court, give such relief to the plaintiff and defendant in the original action, and to the bail, upon the said bond or other security taken from such bail, as is agreeable to justice and reason, and that such rule or rules of the said court shall have the nature and effect of a discharge to such bail bond, or other security for bail.

Warranty by tenant for life void.

XXI. And be it further enacted by the authority aforesaid, That all warranties which shall be made after the said first day of *Trinity* term, by any tenant for life, of any lands, tenements, or hereditaments, the same descending or coming to any person in reversion or remainder, shall be void and of none effect; and likewise all collateral warranties, which shall be made after the said first day of *Trinity* term, of any lands, tenements, or hereditaments, by any ancestor who has no estate of inheritance in possession in the same, shall be void against his heir.

No Subpœna to issue till after bill filed.

Exception.

XXII. And be it further enacted by the authority aforesaid, That no *Subpœna*, or any other process for appearance, do issue out of any court of equity, till after the bill is filed with the proper officer in the respective courts of equity, except in cases of bills for injunctions to stay wastes, or stay suits at law commenced, and a certificate thereof brought to the *Subpœna* office, or to him who usually makes out *Subpœnas* or other process in the several courts of equity, under the hand of the fix clerk, or other clerk or officer who usually files bills in equity, for which certificate he shall receive no fee.

On dismissing bills in equity, plaintiff or defendant to pay full costs.

XXIII. And for the better preventing vexatious suits in courts of equity; be it further enacted, That upon the plaintiff's dismissing his own bill, or the defendant's dismissing the same for want of prosecution, the plaintiff in such suit shall pay to the defendant or defendants, his or their full costs, to be taxed by a master: and that no copy, abstract, or tenor of any bill in equity, do go with the *Dedimus* or commission for taking the defendant's answer; but in lieu and recompence thereof, the sworn clerks of the court of *Chancery* shall take to their own use, in all causes, the whole term fee of three shillings and four pence, and also the whole fee or fees of and for all small writs made by the said sworn clerks.

Act to extend to all suits for the Kings debts, &c.

XXIV. And be it further enacted by the authority aforesaid, That from and after the said first day of *Trinity* term, this act and all the statutes of jeofails shall extend to all suits in any of her

her Majesty's courts of record at *Westminster*, for recovery of any debt immediately owing, or any revenue belonging to her Majesty, her heirs or successors; and shall also extend to all courts of record in the counties palatine of *Lancaster*, *Chester*, and *Dur-*
ham, and the principality of *Wales*, and to all other courts of record within this kingdom.

Rex v Phillips
in Scacc. Hil.
1746.

XXV. And for the preventing great vexation from suing out defective writs of error; be it enacted by the authority aforesaid, That upon the quashing any writ of error to be sued out after the said first day of *Trinity* term, for variance from the original record or other defect, the defendants in such error shall recover against the plaintiff or plaintiffs, issuing out such writ, his costs, as he should have had if the judgment had been affirmed, and to be recovered in the same manner.

On quashing
writ of error
defendant to
have costs.

XXVI. And whereas great trouble and expence is frequently occasioned to the widows and orphans of persons dying intestate to monies or wages due for work done in her Majesty's yards and docks, by disputes happening about the authority of granting probat of the wills, and letters of administration of the good and chattels of such persons, and for preventing such unnecessary trouble and expence; be it therefore enacted by the authority aforesaid, That the power of granting probats of the wills, and letters of administration of the goods and chattels of such person and persons respectively is, and is hereby declared to be, in the ordinary of the diocese, or such other persons, to whom the ordinary power of probat of wills, or granting letters of administration do belong, where such person and persons shall respectively die; and that the salary, wages, or pay due to such person or persons from the Queen's majesty, her heirs or successors, for work done in any of the yards or docks, shall not be taken or deemed to be *Bona notabilia*, whereby to found the jurisdiction of the prerogative court.

Probats of
wills and ad-
ministrations.

Bona notabilia.

XXVII. And be it enacted by the authority aforesaid, That from and after the said first day of *Trinity* term, actions of account shall and may be brought and maintained against the executors and administrators of every guardian, bailiff, and receiver; and also by one joint tenant, and tenant in common, his executors and administrators, against the other, as bailiff for receiving more than comes to his just share or proportion, and against the executor and administrator of such joint tenant, or tenant in common; and the auditors appointed by the court, where such action shall be depending, shall be, and are hereby empowered to administer an oath, and examine the parties touching the matters in question, and for their pains and trouble in auditing and taking such account, have such allowance as the court shall adjudge to be reasonable, to be paid by the party on whose side the ballance of the account shall appear to be.

Actions of ac-
count may be
brought a-
gainst execu-
tors of guar-
dian, bailiff,
&c.

Auditors to
examine the
parties on
oath.

CAP. XVII.

An act to prevent frauds frequently committed by bankrupts.

WHEREAS many persons have and do daily become bankrupt, not so much by reason of losses and unavoidable misfortunes, as to the intent to defraud and hinder their creditors of their just debts and duties to them due and owing; for the prevention thereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That if any person or persons, who from and after the four and twentieth day of *June*, in the year of our Lord one thousand seven hundred and six, shall become a bankrupt within the several statutes made against bankrupts; or any of them, and against whom a commission of bankrupts, under the great seal of *England*, shall be awarded and issued out, shall not within thirty days next after notice thereof in writing shall be left at the place of the usual abode of such person or persons, and notice given in the gazette, That such commission or commissions is or are issued forth, and of the time and place of a meeting of the said commissioners, surrender him, her or themselves to the commissioners named in the said commission, or some of them, and submit to be examined from time to time upon oath, by and before the said commissioners, or the major part of them, by the said commission authorized, and in all things conform to the several statutes already made concerning bankrupts, and also upon such examination fully and truly disclose and discover how, and in what manner, and to whom, and upon what consideration, he, she or they hath or have disposed, assigned or transferred any of his, her or their goods, wares, merchandizes, money or other effects or estate, and all books, papers and writings relating thereunto, of which he, she or they were possessed, or in or to which he, she or they were any way interested or entitled, or which any person or persons had, or hath, or have had in trust for him, her or them, or for his, her or their use, at any time before or after the issuing out of the said commission, and also deliver up unto the said commissioners, or the major part of the commissioners by the said commission authorized, all such part of his, her or their the said bankrupts goods, wares, merchandizes, effects and estate, and all books, papers and writings relating thereunto, as at the time of such examination shall be in his, her or their possession, custody or power (his, her or their, and his, her and their wives and childrens necessary wearing apparel only accepted) then he, she or they the said bankrupt, in case of any default or wilful omission therein, or in any the premises, and being thereof lawfully convicted by indictment or information, shall suffer as a felon, without the benefit of clergy.

Bankrupts after 24 June, 1706. not surrendering themselves within 30 days after notice, and discovering their effects to the commissioners, &c. to suffer as felons.

Lord chancellor may en-

II. Provided always, and it is hereby declared and enacted by the authority aforesaid, That it shall and may be lawful to and for

for the lord chancellor, or lord keeper, or commissioners of the great seal of *England* for the time being, to enlarge the time for such person or persons surrendering him, her or themselves, and disclosing and discovering his, her or their estate and effects, as aforesaid, as the lord chancellor, lord keeper, or commissioners, shall think fit, not exceeding sixty days, so as such order for so enlarging the time, be made by the lord chancellor, lord keeper, or commissioners, five days before the time on which such person or persons was or were so to surrender him, her or themselves, and make such discovery, as aforesaid.

large the time
for bankrupt's
surrendering
himself, &c.

III. And be it further enacted by the authority aforesaid, That if from and after the said four and twentieth day of *June*, a commission of bankrupt, under the great seal of *England*, shall issue forth against any person or persons, That then the commissioners therein named, or the major part of them authorized to put the said commission in execution, shall by virtue hereof, and of the said commission, have full power and authority to send for and call before them, by such process, ways or means, as they in their discretions shall think convenient, all and every such person and persons as they shall be informed and believe can give any account or information of any act or acts of bankruptcy committed by such person or persons, against whom such commission shall issue forth; and upon their appearance to examine them, and every of them, as well upon their oaths, as otherwise, by such ways and means as the said commissioners, or such major part of them, are by law authorized to examine, touching or concerning such bankrupts estate, touching any act or acts of bankruptcy committed by such person or persons against whom such commission shall issue forth; and if any person or persons, upon payment or tender, and refusal to accept of such reasonable charge, shall refuse or neglect to come and appear, not having a lawful excuse to be made known to the said commissioners, and by them allowed, or being come before them, shall refuse to be sworn, or being of the people called *Quakers*, to take the solemn affirmation, by law appointed for such people, or being sworn, or having taken such affirmation, shall refuse to answer all such questions, as by the said commissioners shall be put unto him, her or them, relating to any act of bankruptcy committed by the person or persons against whom such commission is awarded, according to the true intent and meaning of this act. This then it shall and may be lawful for the said commissioners, or such major part of them, to commit to such prison as to them shall be thought meet, all such person or persons, and also to direct their warrant or warrants to such person or persons as the said commissioners, or greater part of them shall think meet, to apprehend and arrest such person or persons as shall so refuse to appear, and to commit such person or persons to such prison as the said commissioners, or such major part of them shall think meet, there to remain without bail or mainprize, until such time as such person or persons shall submit him or her self to the said commissioners, and be by them examined,

Power of com-
missioners of
bankruptcy.

amined, according to the true intent and meaning of this act. Provided, That no person shall be obliged to travel above twenty miles to be so examined.

Bankrupts may be committed by justices warrant to the county-gaol where taken,

IV. And be it further enacted by the authority aforesaid, That upon certificate made and granted under the hands and seals of the said commissioners, or such major part of them, that such commission is issued forth; and such person or persons proved before them to become bankrupt, That then it shall and may be lawful to and for all or any of the judges of her Majesty's courts of Queen's Bench, Common Pleas, or Court of Exchequer, and to and for all and every the justices of the peace within the kingdom of England, dominion of Wales, or town of *Berwick upon Tweed*; (and they are hereby impowered and required, upon application to them for that purpose made) to grant his or their warrant or warrants under his or their hands and seals, as well for the taking and apprehending such person or persons, and him, her or them to commit to the common gaol of the county where he, she, or they shall be so taken and apprehended, there to remain, until he, she, or they shall be thence removed by order of the said commissioners, or such major part of them, by warrant under their hands and seals; and the gaoler or keeper, to whose custody such person or persons shall be committed, is hereby required forthwith to give notice to some one of the said commissioners in the said commission named of such person or persons being in his or their custody, to the intent the said commissioners may send their warrant to the said gaoler or keeper (which they are hereby impowered and required forthwith to send) for the delivering such bankrupt or bankrupts to the person or persons named in such warrant, and thereby authorized to convey such person to the said commissioners, in order to such examination and discovery, as aforesaid, as also to take and seize any the wares, goods, merchandizes or effects of such person or persons, or any of his, her or their books, papers or writings, or any other his or their real or personal estate.

until removed by commissioners warrant.

Proviso in case of submission.

V. Provided always, and be it enacted by the authority aforesaid, That if such person or persons so apprehended and taken within the said thirty days, shall submit to be examined, and in all things conform, as if he had surrendered himself, as by this act such bankrupt or bankrupts is or are required, then such person or persons so submitting and conforming, shall have the benefit of this act, to all intents and purposes, as if he had voluntarily come in and surrendered himself; any thing herein to the contrary notwithstanding.

Goods of felons to be divided among the creditors.

VI. Provided always, and be it enacted by the authority aforesaid, That if any person or persons shall by reason of this act incur the penalty of felony, that then such felon's goods and estate shall go to, and be divided amongst the creditors seeking relief by such commission; any law, usage or custom to the contrary in any wise notwithstanding.

VII. And

VII. And be it further enacted by the authority aforesaid, That all and every person and persons so becoming bankrupt, as aforesaid, who shall, within the time limited by this act, surrender him, her, or themselves to the major part of the commissioners therein named, and in all things conform as in and by this act is directed, shall be allowed the sum of five pounds *per centum* out of the neat product of all the estate that shall be recovered in and received on such discovery, which shall be paid unto him by the assignee or assignees of the said commissioners, so as the said five pounds *per centum* shall not amount in the whole to above the sum of two hundred pounds, and shall be discharged from all debts by him, her, or them due and owing at the time that he, she, or they did become bankrupt; and in case any such bankrupt shall afterwards be arrested, prosecuted or impleaded for any debt due before such time as he, she, or they became bankrupt, such bankrupt shall be discharged upon common bail, and shall and may plead in general, That the cause of such action or suit did accrue before such time as he became a bankrupt, and may give this act and the special matter in evidence, and if a verdict pass for the defendant, or the plaintiff shall become nonsuited, or judgment be given against the plaintiff, the defendant shall recover his costs as in other cases.

VIII. Provided always, and it is hereby declared and enacted by the authority aforesaid, That if the neat proceed of such bankrupts estate so to be discovered, recovered and received, together with what shall be otherwise recovered and received, shall not amount to so much as will pay all and every the creditors of such bankrupt the sum of eight shillings in the pound, after all charges first had and deducted, that then, and in such case, such bankrupt shall not be allowed the said sum of five pounds *per centum*, of such estate as shall be so recovered in, but shall be allowed and paid by the assignees, so much money as the said assignees and the major part of the said commissioners shall think fit to allow to such bankrupt, and no more.

IX. And for the better discovery of the said bankrupts estate, in case he, she or they shall refuse or neglect to surrender him, her or themselves, and conform to this act, as aforesaid; be it enacted by the authority aforesaid, That all and every person and persons who shall have accepted of any trust or trusts, and conceal or protect any estate, either real or personal of any person becoming bankrupt, as aforesaid, from his, her or their creditors, and shall not within thirty days next after such commission shall issue forth, and notice thereof given to such person or persons, discover and disclose such trust and estate in writing, to some one of the commissioners, and submit himself to be examined by the commissioners, or such major part of them as by the said commission shall be authorized; and truly discover the same, shall forfeit the sum of one hundred pounds, and double the value of the estate, either real or personal so concealed, to and for the use and benefit of the said creditors, to be recovered

Allowance to bankrupts conforming themselves to the act.

Proviso in case the neat proceed of bankrupts estate amounts not to pay 8s. in the pound.

Penalty on persons concealing bankrupts estates.

ed by action of debt, in any of her Majesty's courts of record, in the name of the assignees of the said commissioners, in which case costs shall be allowed to either party as in other common cases:

31. per cent.
allowed on
discovery.

X. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall within sixty days next after the time allowed to such bankrupt to surrender himself, and conform, as aforesaid, voluntarily come in and make discovery of any part of such bankrupts estate, before the major part of the said commissioners, shall be allowed the sum of three pounds *per centum*, out of the neat proceed of all that shall be recovered on such discovery, which shall be paid to the person or persons so discovering the same, by the assignee or assignees to whom the same shall be assigned.

Commission-
ers, &c. to ad-
just accounts
between bank-
rupts and their
debtors.

XI. And be it further enacted by the authority aforesaid, That where there shall appear to the commissioners, or the major part of them, that there hath been mutual credit given between such person or persons, against whom such commission shall issue forth, and any person or persons who shall be debtor or debtors to such person or persons, and due proof thereof made, and that the accounts are open and unbalanced, That then it shall be lawful for the commissioners in the said commission named, or the major part of them, or the assignee or assignees of such commission, to adjust the said account, and to take the balance due in full discharge thereof, and the person debtor to such bankrupt, shall not be compelled or obliged to pay more than shall appear to be due on such balance.

Provid in case
of marriage-
portion.

XII. Provided always, and be it enacted by the authority aforesaid, that nothing in this act shall be construed to extend to grant any privilege, benefit or advantage to any bankrupt whatsoever, against whom a commission under the great seal shall issue forth, who hath, for or upon marriage of any of his or her children, given, advanced or paid, above the value of one hundred pounds, unless he or she shall prove, by his or her books fairly kept, or otherwise, and upon his or her oath, before the major part of the commissioners in such commission named, that he or she had at the time thereof, over and above the value so given, advanced or paid, remaining in goods, wares, debts, ready money, or other real or personal estate sufficient to pay and satisfy unto each and every person to whom he or she was any way indebted, their full and intire debts.

Commission-
ers to appoint
3 meetings
within the
39 days.

XIII. Provided always, and be it enacted by the authority aforesaid, That the said commissioners, or the major part of them, shall appoint within the said thirty days, not less than three several meetings for the purposes aforesaid, the last of which shall be on the said thirtieth day hereby limited for such bankrupts appearance.

Persons sued
may plead the
general issue.

XIV. Provided always, and be it hereby enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted by any action, bill, plaint or information, for any thing done or to be done by him, her or them in prosecution of this

this act, it shall and may be lawful and for such person or persons so plead the general issue, and to give this act, and the special matter in evidence.

XV. Provided also, and be it enacted by the authority aforesaid, That nothing in this act contained shall extend to give or grant any liberty, privilege, benefit or advantage in this act mentioned, to any person whatsoever, against whom a commission of bankrupts shall be awarded, who shall have lost in any one day the sum or value of five pounds, or in the whole the sum or value of one hundred pounds, within the space or term of twelve months next preceding his or her becoming a bankrupt, in playing at or with cards, dice, tables, tennis, bowles, shovel-board, or in or by cock-fighting, horse-races, dog-matches, or foot-races, or other pastimes, game or games whatsoever, or in or by bearing a share or part in the stakes, wagers or adventures, or in or by betting on the sides or hands of such as do or shall play, act, ride or run, as aforesaid.

Persons becoming bankrupts by gaming, &c. to have no benefit of act.

XVI. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the space of three years, and from thence to the end of the next session of parliament, and no longer.

Act to continue for 3 years. Continued for four years by 7 An. c. 25. 1. 4.

XVII. And for the better encouragement of such persons as already are become bankrupts, to make a true and just discovery of their estates, and to deliver the same up for the use and benefit of their creditors; be it further enacted by the authority aforesaid, That all and every person and persons who are become bankrupts, and against whom a commission of bankrupt hath issued, before the tenth day of *March*, one thousand seven hundred and five, who shall voluntarily, on or before the four and twentieth day of *June*, one thousand seven hundred and six, surrender him, her or themselves to the commissioners in such commission named, or the major part of them, and submit to be examined from time to time upon oath by and before the said commissioners, or the major part of them, and in all things conform to the several statutes already made concerning bankrupts, and to this present act, shall to all intents and purposes have the benefit of this act.

Encouragement to bankrupts to surrender themselves.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That if such person or persons so voluntarily surrendering him, her or themselves, shall afterwards neglect or omit to discover and deliver his, her or their estates and effects, and in every thing act and do as in this act is directed, every such person or persons shall be taken and adjudged to be a fraudulent bankrupt within the true intent and meaning of this act, and thereof being lawfully convicted, shall suffer as a felon without benefit of clergy.

Penalty on not discovering their estates.

XIX. Provided also, and be it further enacted by the authority aforesaid, That no discovery upon oath to be made by any bankrupt of his or her estate and effects pursuant to this act, shall intitle such bankrupt to the benefits allowed by this act, unless the commissioners of bankrupts, or the greater part of them

No discovery of bankrupt to entitle him to benefit of act, unless commissioners cer-

tise lord chan-
cellor, &c.

them that shall be named in the commission issued, or to be issued against him or her, shall in writing under their hands and seals, certify to the lord chancellor of *England*, lord keeper, or commissioners for the custody of the great seal of *England* for the time being, that such bankrupt hath made discovery of his estate and effects, and in all things conformed himself according to the directions of this act, and that there doth not appear to them any reason to doubt of the truth of such discovery, or that the same is not a full discovery of all such bankrupts estate and effects; and unless such certificate shall be allowed and confirmed by the lord chancellor, lord keeper, or commissioners for the custody of the great seal of *England* for the time being, or by such two of the judges of the courts of Queen's-Bench, Common-Pleas, and court of Exchequer at *Westminster*, to whom the consideration of such certificate shall be referred by the lord chancellor, lord keeper, or commissioners for the custody of the great seal of *England* for the time being, and the creditors of such bankrupts are to be allowed to be heard, if they shall think fit, before the respective persons aforesaid, against the making such certificate, and against the confirmation thereof.

No expences
to be allowed
for eating or
drinking of
the commis-
sioners, on
penalty.

XX. And whereas commissions of bankrupts have been often executed with great expence in eating and drinking, at the meetings of the commissioners, or some of them therein named, to the great prejudice of the bankrupts and their creditors; be it further enacted by the authority aforesaid, That there shall not be paid or allowed by the creditors, or out of the estate of the bankrupts, any monies whatsoever for expences in eating or drinking of the commissioners, or of any other persons, at the times of the meetings of the said commissioners, or of any of the creditors, or others, in order to execute or prepare matters for the execution of such commissions; and if any person or persons named, or to be named, as a commissioner or commissioners in any such commission, shall order any such expence to be made, or eat or drink at any such meeting at the charge of the creditors, or out of the estate of such bankrupt, every such commissioner so offending, shall be disabled for ever after to act as a commissioner in such, or any other commission founded on the statutes made against bankrupts.

C A P. XVIII.

An act for enlarging the pier and harbour of Parton in the county of Cumberland.

Harbour to be enlarged. From 1 May, 1706. for eleven years to be paid to the trustees, for enlarging and repairing the pier and harbour. For every 100 gallons of coals, 2d. by the owner, and 1d. by the master of the ship. And after eleven years, one farthing only for every 100 gallons for ever. Trustees to appoint collectors of the duties. Who are to pay the monies to the receivers. Trustees to take security of the receivers and collectors. Collectors to be allowed 6d. in the pound. If duties be not paid, collectors may distrain. And on non-payment distress may be sold. No ship to be discharged until master produce collectors receipt of duties paid. Trustees may contract for repairing the harbour: and assign the place of building the pier, &c. Trustees may borrow money on credit of the duties, at 6l. per cent. per annum. Not exceeding

exceeding 1500l. Trustees accounts to be examined by justices at quarter sessions. On death of trustees, survivors to choose others. No balast, duff, &c. to be thrown into the harbour. Persons sued may plead the general issue. Act to be allowed a publick act. EXP.

CAP. XIX.

An act for the encouragement and increase of seamen, and for the better and speedier manning her Majesty's fleet.

X. **A**ND for the encouragement of all seamen, who are or shall be in her Majesty's service at sea, it is hereby declared and enacted by the authority aforesaid, That every seaman who from and after the five and twentieth day of *March*, one thousand seven hundred and six, shall be turned over from one ship to another in her Majesty's service, or turned ashore, as not being fit for her Majesty's service, shall be paid his wages which shall appear to be due to him from the ship which he was turned over, before such ship to which he shall be turned over do go to sea, either in money or by a ticket, which shall entitle him or his assigns to payment within one month after the said ticket shall be presented to the commissioners of the navy at their office. No mariner entred, and continuing in the Queen's service, to be arrested during this war, for a debt not exceeding 20l.

How seamen turned over from one ship to another, &c. shall be paid.

XVI. *And whereas by an act made in the second year of her Majesty's reign, intituled, An act for the increase of seamen, and better encouragement of navigation, and the security of the coal trade, provision is made for putting out of parish children apprentices to masters of trading ships and vessels at the age of ten years; it is hereby enacted, That no such master shall be obliged to take any such apprentice under the age of thirteen years, or who shall not appear to be fitly qualified both as to health and strength of body for that service; and any widow of the master of such ship or vessel, or the executor or administrator of such master, who shall have been obliged to take such parish boys apprentice to them, shall have the same power of assigning over such apprentices to any other masters of ships or vessels, who have not their compliment of apprentices required by the said recited act, to be entertained by them, as is given by the said act to such persons, as have taken children apprentices in pursuance of the statute made in the forty third year of Queen Elizabeth.*

2 & 3 Annæ, c. 6.
No master of ship to take apprentice under 13 years old.

XVII. *And whereas all such persons, who in pursuance of the said act, have voluntarily bound, or hereafter shall so bind themselves apprentices to such masters or owners, as therein is expressed, are exempted from her Majesty's service for the term of three years, from the date of their respective indentures: and whereas such exemptions from her Majesty's sea service for the term of three years, which was intended for the encouragement of landmen, to bind themselves apprentices to the sea service, hath been manifestly abused for the exempting and protecting of seamen from the said service, who having bound themselves apprentices, have claimed such exemption, and demanded protections accordingly, to the great hindrance and prejudice of her Majesty's sea service; be it therefore further enacted and declared, That no person or persons of the age of eighteen*

43 Eliz. c. 2.

No apprentices to sea years, service of 28

years old,
exempt from
the Queen's
service at sea.

years, shall have any exception or protection from her Majesty's sea service, who shall have been in any sea-service before the time they bound themselves apprentices; any law or statute to the contrary thereof in any wise notwithstanding.

s & 3 Phil. &
Mar. c. 16.
f. 2.

XVIII. *And whereas by an act of parliament made in the second year of the reign of King Philip and Queen Mary, intituled, An act touching watermen and bargemen upon the river of Thames, it was enacted, That if any person or persons, which from and after the time therein mentioned, should use and exercise the occupation of rowing betwixt Gravesend and Windsor, which in the time of the execution of any commission of pressing, that should be had for the service of the King and Queen's majesty in their affairs, should unwillingly, voluntarily, and obstinately withdraw, hide, or convey him or themselves in the same time of pressing, into secret places and out corners, and after, when such time of pressing is overpassed, should return and come again to the river of Thames, to row betwixt Gravesend and Windsor aforesaid, and that duly proved by two indifferent witnesses before the lord mayor, and court of aldermen, or justices of peace; and two of the rulers of the company of watermen, that then he or they so doing and offending, shall suffer imprisonment for the space of two weeks, and be banished any more to row from thenceforth upon the said river of Thames, by the space of one whole year and a day then next following: and whereas by an act made in the eleventh year of his late*

21 & 22 W. 3.
c. 21.

majesty King William the Third, intituled, An act for explanation and better execution of former acts made touching watermen and wherryemen, rowing on the river of Thames, and for the better ordering and governing the said watermen wherryemen, and lightermen upon the said river between Gravesend and Windsor, persons who keep or work, or shall be employed in rowing or navigating any lighter or lighters, or other great craft (except, as in the said act is excepted) shall be registered in the company of watermen: and whereas in this time of war, divers watermen, bargemen, lightermen, and wherryemen, belonging to the said river, do abscond and not enter themselves into her Majesty's service; and it being highly necessary that a convenient number of such watermen, bargemen, lightermen, and wherryemen, should from time to time be obliged to serve on board her Majesty's fleet; be it enacted by the authority aforesaid, That in case such number of them as the lord high admiral, or any three or more of the commissioners for executing the office of lord high admiral of England for the time being, shall from time to time give notice to the said company of watermen, there shall be occasion for to serve her Majesty, her heirs and successors, (being duly summoned by leaving notice in writing at the place of their usual abode by the company) within ten days after such summons, shall not appear before the rulers of the said watermen's company, to be sent on board her Majesty's fleet, such person or persons so summoned, and being duly convicted before the lord mayor and court of aldermen of the city of London, or two justices of the peace of the said city, and two of the said rulers, that then he or they so doing and offending, shall suffer imprisonment during the space of one month, and be disabled

Watermen,
&c. summoned
by the rulers
of the com-
pany to serve
on board the
fleet, and not
appearing, &c.
to be disabled,
&c.

abled from towing, or working upon the said river of *Thames*, and of enjoying any the advantages or privileges of the said company for the space of two years.

Insolvent debtors who shall before the first of May, 1706. surrender their effects to the use of their creditors; and take an oath; and enter themselves on board the navy to serve during the war; to be discharged from all debts, &c. Any three justices may go to any prison, and examine what prisoners are in for debt, not exceeding 60*l.* and grant their warrant for such who are able to serve, to be sent on board the fleet. None to have benefit of this act, unless he continue in the service during this war: nor be discharged out of prison if indebted more than 60*l.* Discharge of prisoner, not to discharge his debt, &c.

CAP. XX.

An act for the better enabling the master, wardens, and assistants of Trinity House, to rebuild the light house on the Edystone rock.

WHEREAS in and by one act of parliament made in the eighth year of the reign of our late sovereign lady Queen Elizabeth, intituled, An act to enable the master, wardens, and assistants of Trinity House at Deptford Strand, to erect sea marks, &c. 8 Eliz. c. 11. They the said master, wardens, and assistants are impowered to erect and set up beacons, marks, and signs for the sea, useful for avoiding the dangers, and to renew, continue, and maintain the same, in such manner as in the said act is mentioned: and whereas there was in, and time out of mind hath been, a very dangerous rock called the Edystone, lying off of Plymouth in the county of Devon, upon which divers ships and vessels have been cast away, and the lives and goods of many subjects of this kingdom lost and destroyed: and whereas upon application some time since made to the said master, wardens, and assistants, by great numbers of masters and owners of shipping, to have a light house erected upon the said rock, offering and agreeing, in consideration of the great charge, difficulty, and hazard of such an undertaking, to pay to the said master, wardens, and assistants, one penny per ton outwards, and the like inwards, for all ships and vessels which should pass by such light house (coasters excepted, who should pay twelve pence only for each voyage;) they the said master, wardens, and assistants, having a due regard to the safety and preservation of the shipping and navigation of this kingdom, did in the year of our Lord one thousand six hundred ninety six, cause a light house to be begun to be erected on the said rock, and in three years time a light was placed thereon; and the said light house in the term of five years was, with much hazard and difficulty, and a very great expence, fully built and completed, to the great satisfaction of the flag officers and commanders of the fleet and ships of war, and of all others concerned in trade and navigation, the same being not only useful for avoiding the dangerous rock upon which it was built, but also a guide and direction to ships passing through the channel from and to all parts of the world: and whereas the said light house was preserved and kept up for several years, notwithstanding the great force and violence of the wind and sea, (to which it was exposed) until the late dreadful storm in November, one thousand seven hundred and three, when the same was blown

blown down and destroyed: and whereas it was found by experience, that the said light house (during the standing thereof) was of publick use and benefit to this kingdom, & means to preserve her Majesty's ships of war, and the shipping, lives, and estates of her subjects, and was useful and beneficial to navigation; and forasmuch as the speedy rebuilding the said light house is absolutely necessary for avoiding the dangers attending the navigation and trade of this kingdom, and in regard the same is a work of great charge, hazard, and expence, and all due and proper encouragement ought to be given thereunto; to the end therefore that the said master, wardens, and assistants, may be encouraged to new erect and build, or cause to be new erected and built, the said light house, with all convenient speed, and constantly to keep and maintain the same for the benefit of the navigation and trade of this kingdom; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, at the humble petition of the said master, wardens and assistants, That from and after the kindling or placing a light useful for shipping in the said light house, so intended to be re-built, as aforesaid, there shall be paid to the said master, wardens and assistants of Trinity-House of Deptford-Serond, their successors and assigns, by the masters and owners of all English ships, hoys, and barks which shall pass by the said light house so intended to be erected, as aforesaid, (except coasters) the duty of one penny per ton outward bound, and also one penny per ton inward bound, (that is to say) of the merchant one moiety, and of the owner of the ship, hoy or bark the other moiety; and of all such stranger or aliens ships and vessels, as shall happen to pass by the said light house or beacon, the sum of two pence for every ton of the burden of the said ship or vessel; and that every coaster passing by the said light house so to be erected, shall pay the duty of two shillings, and no more, for each time they shall pass by the said light house; the said several duties to be collected and received by such person or persons as the said master, wardens and assistants, or their successors, shall appoint in that behalf, in such port or place whence such ship, hoy or bark shall set forth, or where such ship, hoy or bark shall arrive before they load or unload the goods therein; the said duties to be recovered by action of debt in any court of record at Westminster, wherein no effoin, wager of law, or protection shall be allowed, nor more than one imparlance.

Master, wardens and assistants of Trinity-house, to new erect a light house on the Edystone rock.

Duties to be paid by all ships, &c. passing by the same.

Duties where recoverable. Explained and enforced by 8 An. c. 17.

C A P. XXI.

An act for the increase and better preservation of salmon and other fish, in the rivers within the counties of Southampton and Wilts.

Salmon fisheries in the counties of Southampton and Wilts.

WHEREAS the salmon and salmon-kind of fish resorting to spawn within the rivers and freshes in the county of Southampton, and southern parts of Wiltshire, are in danger of utter decay, to the great loss of this kingdom, and the royalties and fisheries in the said counties are in great measure consumed and destroyed, by placing

placing divers engines and other devices in and upon the main rivers, and in the new wharves, dykes, and cuts, which now are or shall be cut out of the same rivers, by means whereof the salmon stripes or kippers, as well as the young fry or smelts are taken and destroyed, and are prevented from running to the sea in season: and whereas the owners and occupiers of the salmon fisheries within the said counties, regarding only their private and greedy profit, do destroy the stock of the said fisheries, by preventing the breed of good fish to pass in season through their fishing wyres, and fishing hatch-ways, from the sea into the said rivers to spawn, and by killing such as are under size, and by fishing continually out of season, at and in the said fishing wyres and creeks of the rivers, with nets and other devices, whereby not only the increase of the species of the said fish, but also the growth thereof is in great measure destroyed; and whereas notwithstanding the many good laws before this time made, and still in force, with intent to prohibit unlawful killing or otherwise destroying the game of this kingdom, divers sturdy and disorderly persons (through defect in the said laws for sufficiently punishing of offenders, and neglecting their lawful employments) do poach with nets and angles, gins, and other unlawful engines, and by unlawful means in the night, and at other times, do take, kill, and destroy the fish, to the great detriment of the lords of manors, and the other owners and occupiers of fisheries in the said county of Southampton, and southern parts of Wiltshire; for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the statute made in the fourth and fifth year of the reign of King William and Queen Mary, now in force for the better preservation of the game relating to salmon fishing, and every article and thing therein contained, shall be duly put in execution, according to the tenor of the same; and that the statute made in the thirteenth year of King Edward the First, whereby it is provided that the waters of Humber, Ouse, Trent, Dover, Arre, Derwent, Wharfe, Nidd, Swale, Tese, Tine, Eden, and all other waters wherein salmon be taken, shall be in defence from taking salmon, from the nativity of our Lady unto Saint Martin's day; and likewise that young salmon shall not be taken nor destroyed by nets, nor by other engines, at mill pools, from the midst of April unto the nativity of Saint John the Baptist, and in places where fresh waters be; shall extend and be in full force, as well to all and every the rivers, creeks, and waters in the county of Southampton, and southern parts of Wiltshire, as to the waters in the last-mentioned act here above enumerated and contained, and in like manner, and under the same pains and penalties as therein mentioned and expressed.

II. And be it further enacted by the authority aforesaid, That there shall be assigned overseers of this act to be assigned by justices.

Overseers of this act to be assigned by justices.

and

Act 4 & 5 W.
& M. c. 23.
for the better
preservation
of salmon
fishing to be
put in execu-
tion;
also stat. 13.
Ed. 1.
stat. 1. c. 47.

No young
salmon to be
destroyed by
nets, &c.

Who shall enquire after offenders.

and enquire after the offenders against this statute, and shall take and apprehend all and every such offender and offenders, and take and destroy all nets and other crafts and engines, where they shall find the same, being kept; used; or in being contrary to this or any other act now in force relating to fishing; and all and every offender and offenders so taken or apprehended by the said overseers, or any of them, or by any other lawful means, shall be brought before some justice of the peace of the said counties, to answer for every such offence, and being convicted before any such justice of the peace for the said counties, by one or more witnesses upon oath, which oath the said justice hath hereby power to administer, or confession of such offender, shall for the first trespass or offence, forfeit a sum to be ascertained by such justice of the peace, before whom such conviction shall be made, not under twenty shillings, nor more than five pounds, and for the second trespass or offence, shall forfeit a sum not under forty shillings, to be ascertained, as aforesaid, nor more than ten pounds, and as the trespass or offence shall increase to double the penalty, to be ascertained, as aforesaid; one half thereof to be paid to the informer, and the other half thereof to the poor of the parish where the said offence or offences shall be committed; and in case the offender or offenders shall not be able, or do not on demand pay the said penalty or penalties, then he or they shall be sent by such justice of the peace, before whom such conviction shall be made, as aforesaid, to the house or houses of correction within the said respective counties where such offender or offenders shall be taken, and there kept for the space of three months.

Penalty on offenders.

No person, qualified or not, shall take or kill salmon until after the eleventh of November. *This clause repealed by 1 Geo. 1. stat. 2. c. 18. sect. 11. as to the owners of these fisheries, &c.*

III. And be it further enacted by the authority aforesaid: That no person or persons (not being by law duly qualified) shall hereafter kill, destroy, or wilfully hurt any salmon or salmon-kind, or any other fish, and that neither they, nor any other person or persons whatsoever, shall and may at any time or times after the thirtieth day of *June*, which shall be in the year of our Lord, one thousand seven hundred and six, take, kill, or destroy any salmon, salmon-peale, or salmon-kind, by hawks, racks, gins, nets, angles, or other devices whatsoever, until after the eleventh day of *November*, in every year, or offer to sale any of the said fish so taken, under the like pains, penalties, forfeitures, and imprisonments, as are herein before-mentioned.

Owners of meadow grounds to let salmon got into the dykes, pass into the main rivers again.

IV. And be it further enacted by the authority aforesaid; That if any salmon or salmon-kind shall go into any of the dykes, cuts, or water carriages, that then all owners and occupiers of meadow grounds in and upon the banks of any waters or rivers in the said counties within the time limited and restrained by the said act, shall permit the said fish to pass or go out of the said cuts, or dykes, or streams, into the main rivers again, and not by any wilful means to destroy them for sale, or otherwise, under the like pains, penalties, forfeitures, and imprisonment, as aforesaid.

V. And

V. And be it enacted by the authority aforesaid, That all owners and occupiers of corn, fulling and paper mills, and other mills, upon any of the waters or rivers in the said counties, shall constantly keep open one scuttle or small hatch of a foot square in the waste-hatch or water-course in the direct stream, wherein no water-wheel standeth, sufficient for the salmon to pass and repass freely up and down the said rivers in the said counties, from the eleventh day of *November*, to the one and thirtieth day of *May* in every year, during which season, the old salmon and the young fry of the preceding year retire to the sea, and the breeding salmon come from the sea to spawn, and shall not make use of any nets, pots, racks, hawks, gins, or other devices whatsoever to be placed in the said scuttle or small hatch of a foot square in the said waste-hatch, in or about the said mills respectively, during the said term, to kill or destroy, or take any salmon or salmon-kind, upon the like pains, penalties, forfeitures, and imprisonment, as aforesaid; and in case they shall lay any pots or nets to catch eels, after the first day of *January*, to the tenth day of *March* in every year (which they may do) they shall set racks before them, to keep out of the said pots or nets the old salmon or kippers, which, during that season, are out of kind, and returning to the sea; and after the tenth day of *March*, to the one and thirtieth day of *May* in every year, they shall lay no pot, net, or engine, but what shall be wide enough to let the fry of salmon pass through to the sea, or shall take, or keep, or offer to sale any of the young fry, that, during the seasons aforesaid, are returning from the said rivers to the sea, upon the pains, penalties, forfeitures, and imprisonments, as aforesaid.

Owners of mills to keep open one scuttle in the waste hatch for the salmon to pass and repass, &c.

And not use nets, &c.

Eel pots to have racks before them.

VI. And be it further enacted by the authority aforesaid, That no bouges, otherwise called sea trouts, shall be taken in any of the said rivers, creeks, or arms of the sea in the counties before-mentioned, after the thirtieth day of *June*, to the eleventh day of *November* every year, upon the like pains, penalties, forfeitures, and imprisonments, as aforesaid.

No sea trouts to be taken in the rivers.

VII. And whereas divers disorderly, idle, and mean persons, have and keep nets, angles, leaps, pitches, and other engines for the taking and killing of fish out of the ponds, waters, rivers, and fisheries in the said counties, to the damage of the owners thereof; be it therefore enacted by the authority aforesaid, That no person or persons whatsoever shall have or keep any net, angle, leap, pitch, or other engine for taking of fish, other than as is provided for and allowed of by an act made in the second year of King *William* and Queen *Mary*, intituled, *An act for the more easy discovery and conviction of such as shall destroy the game of this kingdom*, and the subsequent acts made in the third, fourth, and fifth years of the said King *William* and Queen *Mary*, for the more easy conviction of such as shall destroy the game of this kingdom; none of which acts, or any part or matter therein contained, or in any other act relating to the preservation of the game of this kingdom, is here- by intended or deemed to be repealed.

None to keep nets, &c.

other than what are allowed by

4 & 5 W. & M.

c. 23.

3 & 4 W. & M. c. 10.

Here seems to be a mistake in the roll, there being no such statute as is here referred to, in 4 W. & M. but only in 4 & 5 W. & M.

VIII. And

Penalties on
selling salmon-
&c.
1 Geo. 1. c. 18.
c. 11.

VIII. And be it enacted, That if any person or persons shall sell or expose to sale any salmon or salmon-kind in the said counties, from the thirtieth day of *June*, to the eleventh day of *November* in every year, such person or persons shall for every salmon or salmon-kind so sold or exposed to sale, be subject to the pains, penalties, forfeitures, and imprisonments, as aforesaid.

Forfeitures of
offenders to
be levied by
distress and
sale, &c.

IX. And be it further enacted by the authority aforesaid, That all the forfeitures and penalties arising by conviction of any offender or offenders against this act, shall be levied by distress and sale of the offenders goods, by warrant under the hand and seal of the justice before whom the offender or offenders shall be convicted, rendering the overplus, if any be, and for want of distress, the offender or offenders shall be committed to the house or houses of correction in the said counties, as aforesaid.

Extent of the
act.

X. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend to any county or place in this kingdom, save only to the said county of *Southampton*, and the southern parts of *Wiltshire*; any thing herein contained to the contrary notwithstanding.

C A P. XXII.

An act to empower the lord high treasurer, or commissioners of the treasury, to issue out of the monies arising by the coinage-duty, any sum not exceeding five hundred pounds; over and above the sum of three thousand pounds yearly, for the uses of the mint.

28 Car. 2. c. 5.

WHEREAS in and by one act of parliament made in the eighteenth year of the reign of his majesty King Charles the Second, intituled, An act for encouraging of coinage; it is, amongst other things, enacted, That there should not be issued out of the Exchequer, of the monies accruing by the said act in any one year, for the fees and salaries of the officers of the mint or mints, and towards the providing, maintaining, and repairing the houses, offices, and buildings, and other necessaries, for assaying, melting-down, and coining, above the sum of three thousand pounds sterling, which said act has been continued, and is still in force: and whereas the said three thousand pounds has been by experience found not to be sufficient, and the residue of the monies arising by the said coinage act is appropriated, as in the same act is mentioned; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the lord treasurer, and under treasurer, or commissioners of the treasury for the time being, by orders or warrants, to issue out of the Exchequer, or dispose of the monies arising by the said coinage duty yearly and every year, from and after the twenty fifth day of *December*,

After 25 Dec.
1705. lord
treasurer to
issue 500l.
yearly out of
the coinage
duties for the

one thousand seven hundred and five, any sum or sums of money, not exceeding the yearly sum of five hundred pounds, over and above the yearly sum of three thousand pounds above-mentioned; for the fees or salaries of the officers of the mint or mints; and towards the providing, maintaining, and repairing the said houses, offices, and buildings, and other necessaries before-mentioned: the said recited act or acts, or any other law, statute, or usage to the contrary thereof in any wise notwithstanding:

CAP. XXIII.

An act for raising the militia for the year one thousand seven hundred and six, notwithstanding the month's pay formerly advanced, be not repaid; and for an account to be made of trophy monies. EXP.

CAP. XXIV.

An act to enlarge the time for registering unsatisfied debentures upon the forfeited estates in Ireland, and for renewing of other debentures, which have been lost, burnt, or destroyed. EXP.

CAP. XXV.

An act for the paying and clearing the several regiments commanded by lieutenant general Stewart, colonel Hill, and brigadier Holt, and for supplying the defect of the muster-rolls of those and several other regiments. EXP.

CAP. XXVI.

An act for making effectual a grant of their late majesties King William and Queen Mary, of the town and lands of Seatown to the archbishopsrick of Dublin, and for restoring the same to the said see.

WHEREAS by the acts of settlement and explanation heretofore made and passed in the kingdom of Ireland, it was enacted, That so much of the then forfeited lands as were the right and inheritance of the see of Dublin, but granted in fee-farm by the former archbishops of that see, in the time of popery, under a reservation of chief rent from the then forfeiting persons, or those under whom they claimed, should be set out in augmentation to the said see, as should complete the revenue thereof to the sum of two thousand pounds per annum; and pursuant thereunto the late commissioners for putting in execution the said acts, did set out to the then archbishop of Dublin, and his successors, several lands, and as part thereof, the lands of Seatown, Newtown, Blackhall, Gamble, Smithsland, and several other lands and tenements in and about the town of Swords, containing together four hundred thirty seven acres, lying in the barony of Nethercross, in the county of Dublin (being formerly the propriety of Christopher Russell, a forfeiting person;) and whereas the said archbishop, and his successors, remained in full and quiet possession of the said town and lands, till the year one thousand six hundred eighty and eight, when Bartholomew Russell, son of the said Christopher Russell, set up a pretended title to the said town and lands, and the late earl of Tirconnell, being chief governor of the kingdom of Ireland, and the judges being Irish papists,

Forfeited lands anciently by the inheritance of the see of Dublin.

Seatown, Newtown, Blackhall, Gamble, Smithsland. Christopher Russell a forfeiting person, Bartholomew Russell his son,

attainted of
treason.

Seatown, &c.
granted to the
archbishop of
Dublin, and
his successors
for ever.

Archbishop
not prosecut-
ing a claim of
the premises
before the
trustees, in
right of his
church.
11 & 12 W. 3.
c. 2.

The same sold
by the tru-
stees to Dr.
William King,
lord arch-
bishop of
Dublin, and
his heirs.

11 & 12 W. 3.
c. 2.

judgment was given against the then archbishop of Dublin, in favour of the said Bartholomew Russell, and he obtained possession of the said town and lands, and continued in the possession thereof, until the reduction of the said kingdom of Ireland, by his late majesty King William the Third, of glorious memory: and whereas the said Bartholomew Russell, being actually engaged in the said rebellion, he was indicted and attainted by outlawry of treason, and died so attainted: and whereas their late Majesties, by their letters patent, bearing date on or about the sixth day of September, in the sixth year of their said late majesties reign, did give, grant and confirm unto Narcissus, then lord archbishop of Dublin, and his successors the archbishops of Dublin for ever, all that and those the aforesaid town and lands, and also all the estate, right, title, and interest, which their said late Majesties then had, or might, or ought to have had of, in, and to the premises, or any part or parcel thereof, by force of the aforesaid several acts of settlement or explanation, or either of them, or otherwise howsoever, to hold unto the said Narcissus archbishop of Dublin, and his successors, archbishops of Dublin, for ever; to the use of the said archbishop and his successors for ever, paying therefore thereout yearly, unto their said late Majesties and their successors, the several yearly rents therein particularly mentioned, amounting in the whole to the sum of nine pounds, eighteen shillings, and eleven pence halfpenny, to be paid into the Exchequer of the kingdom of Ireland, at the feast of Saint Michael the archangel, and the annunciation of the blessed virgin Mary, half-yearly: and whereas by reason the late archbishop of Dublin, did not prosecute a claim made of the said premises in the right of his church, before the persons nominated and appointed trustees for the putting in execution the powers and authorities relating to the forfeited and other estates and interests in Ireland, in and by an act made in the eleventh year of the reign of his late majesty King William the Third, intituled, An act for granting an aid to his Majesty by sale of the forfeited and other estates and interests in Ireland, and by a land-tax, for the several purposes therein mentioned, the said archbishop of Dublin was put out of possession of all and singular the said premises, and the same were exposed and put to sale by the said trustees, as the estate of the said Bartholomew Russell: and whereas by indenture bearing date on or about the twenty third day of June, in the year of our Lord one thousand seven hundred and three, made, or mentioned to be made, between Sir Ceryll Wych knight, Francis Annesley esq; John Baggs esq; John Trenchard esq; John Isham esq; Henry Langford esq; James Hooper esq; John Cary gentleman, Sir Henry Shere knight, Thomas Harrison esq; William Fellowes esq; and Thomas Rawlins esq; surviving trustees, nominated and appointed for putting in execution the powers and authorities relating to the forfeited and other estates and interests in Ireland, enacted in and by the aforesaid act, intituled, An act for granting an aid to his majesty by sale of the forfeited and other estates and interests in Ireland, and by a land-tax, for the several purposes therein mentioned, of the one part, and the most reverend father in God, doctor William King, lord archbishop of Dublin, of the other part, the said

fir

Sir Ceryll Wych, Francis Annesley, John Baggs, John Trenchard, John Isham, Henry Langford, James Hooper, John Cary, Sir Henry Shere, Thomas Harrison, William Fellowes, and Thomas Rawlins, pursuant to the said act of parliament, and to another act of parliament then lately made, intituled, An act for advancing the sale of the forfeited estates in Ireland, and for vesting such as remained unfold by the then trustees, in her Majesty, her heirs and successors, for such uses as the same were before vested in the said trustees, and for the more effectual selling and setting the said estates in protestants, and for explaining several acts relating to the lord Bopphen and sir Redmund Everard, and in execution of the powers and authorities to them thereby given, and in consideration of the sum of three thousand one hundred and five pounds sterling, paid and secured to be paid by the said doctor William King, lord archbishop of Dublin, in such manner as therein is mentioned, for the absolute purchase of the lands therein and berein after mentioned, they the said trustees did bargain and sell unto the said doctor William King, archbishop of Dublin, all that and those the town and lands of Seatown, containing by estimation two hundred thirty four acres, and thirty two perches profitable land, plantation measure, more or less; Newtown containing one hundred and seventeen acres, and like land and measure, more or less; Blackall and Gamble, containing one hundred and seventy acres, and like land and measure more or less; and all those lands known by the name of Smith's land, with the several gardens, plots, and cabins in the town of Swords; and all that parcel of land in Broad Meadow, containing two acres, three roods, and sixteen perches profitable land, plantation measure, be the same more or less; lately belonging to the said Bartholomew Russell, attainted as aforesaid; with all messuages, edifices, ways, waters, watercourses, woods, underwoods, commons, and all other rights, members, appendencies, and appurtenances thereunto belonging, or in any wise appertaining, and the reversions and remainders thereof, to hold to the said doctor William King, lord archbishop of Dublin, his heirs and assigns, subject to a yearly quit rent of nine pounds eighteen shillings eleven pence half penny reserved to her Majesty, her heirs, and successors, as by the said recited letters patents, deed and other proceedings, relation being thereunto had, may more at large appear: and whereas by virtue of the said last recited indenture, the inheritance of the said town and lands herein last-mentioned, was vested in the said lord archbishop of Dublin, and his heirs, in his natural capacity, the benefit of which grant and conveyance (although the same is of very great advantage) be the said William lord archbishop of Dublin is willing to quit, so that the said lands may be restored to the church: to the intent therefore that the pious intentions of their late majesties King William and Queen Mary, in granting the said town, lands, and premisses to the see of Dublin may take effect, May it please your most excellent Majesty, That it may be enacted, &c.

For 3105^l
sterling.

town and lands, &c. sold by trustees, &c. vested in the said archbishop, and his successors for ever, and annexed to the revenues of the see. Subject to the yearly rent to the Queen. Archbishop to be reimbursed his purchase-

purchase-money, by army debentures. Leases of lands, &c. vested in archbishop shall be made at the improved rent, and to protestants only. Leases made at less than full yearly rent, successor may avoid the same.

C A P. XXVII.

An act for the impropriate tithes of the parish of Saint Bridget alias Brides, London.

Anno Regni ANNÆ Reginae quinto.

AT the parliament summoned to be held at Westminster the fourteenth day of June, Anno Dom. 1705. in the fourth year of the reign of our sovereign lady Anne, by the grace of God, of England, Scotland, France, and Ireland, Queen, defender of the faith, &c. and from thence continued by several prorogations to the five and twentieth day of October, 1705; and then begun and holden being the first session of this present parliament. And from thence continued by several prorogations to the third day of December, 1706*, being the second session of this present parliament.

* In the roll it is added, and further continued by adjournments till the eighth day of April in the sixth year of her Majesty's reign.

C A P. I.

An act for granting an aid to her Majesty by a land tax to be raised in the year one thousand seven hundred and seven, 4s. in the pound. EXP.

C A P. II.

An act for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seven. EXP.

C A P. III.

An act for the settling of the honours and dignities of John duke of Marlborough upon his posterity, and annexing the honour and manor of Woodstock, and house of Bleinheim, to go along with the said honours.

WH E R E A S the lords spiritual and temporal in parliament assembled, having with much satisfaction considered the many great actions which John duke of Marlborough has performed in her Majesty's service, to the honour of his country, and for the good of the common cause of Europe, (such actions as the wisest and greatest people have rewarded with statues and triumphs) and being extremely desirous to express the just sense they have of his merit in a peculiar and distinguishing manner, and in order to perpetuate the memory thereof, that his titles and honours, with his right of precedence, might be settled and continued in his posterity by act of parliament, as the method most effectual for that end, and best suiting so great an occasion: yet having always a just regard for the prerogatives of the crown (her Majesty being the sole fountain of honour) thought it their duty, in the first place, by their humble address, to have recourse to her Majesty for her royal allowance, before any order given for bring-
ing

ing in a bill of such a nature; and by their said address did humbly desire, her Majesty would be graciously pleased to let them know, in what manner it would be most acceptable to her Majesty, the said titles and honours should be limited: in answer whereto, her Majesty hath been pleased most graciously to declare, that nothing could be more acceptable to her than the said address, and that she was entirely satisfied with the services of the duke of Marlborough, and therefore could not but be pleased they had so just a sense of them; and did thereby declare her royal intention to be, That after the determination of the estate which the duke of Marlborough now has in his titles and honours, the same should be limited in such manner as is herein after declared and enacted; and her Majesty was pleased in her most gracious answer to the said address, further to declare, That she thought it would be proper that the honour and manor of Woodstock, and the house of Bleinheim, should always go along with the titles, and did therefore recommend that matter to their consideration: and the duke of Marlborough thereupon declaring, that he had made it his humble request to her Majesty, and did now desire, That the manor and park of Woodstock, and the house of Bleinheim, after the decease of the dutchess of Marlborough, should go along, and be enjoyed with the titles: and whereas the said John duke of Marlborough, was by several letters patents, created baron Churchill of Sandridge, and earl of Marlborough, to him and the heirs males of his body: and by letters patents, bearing date the fourteenth day of December, in the first year of her now Majesty's reign, was created marquess of Blandford, and duke of Marlborough, to him and the heirs males of his body: therefore for perpetuating the memory of the several great actions performed by the said duke, and for settling and continuing the titles and honours aforesaid, and the right of precedence, in his posterity; may it please your most excellent Majesty, that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That in default of heirs males of the body of the said duke of Marlborough issuing, the states, degree, titles, titles, dignities, and honours, aforesaid, shall continue, remain, be vested in, and shall be held and enjoyed by the lady Harriot, eldest daughter of the said duke of Marlborough, and wife of Francis Godolphin esquire, son and heir apparent of Sidney lord Godolphin, lord high treasurer of England, and the heirs males of her body begotten: and for default of such issue, shall continue, remain, be vested in, and held and enjoyed by Anne countess of Sunderland, second daughter of the said duke of Marlborough, and wife of Charles earl Sunderland, and the heirs males of her body begotten: and for default of such issue, shall continue, remain, be vested in, and held and enjoyed by Elizabeth countess of Bridgewater, third daughter of the said duke of Marlborough, and wife of Scroope earl of Bridgewater, and the heirs males of her body begotten: and for default of such issue, shall continue, remain, be vested in, and held and enjoyed by the lady Mary, youngest daughter of the

Honour and manor of Woodstock and house of Bleinheim.

Baron Churchill of Sandridge and earl of Marlborough, marquess of Blandford, and duke of Marlborough.

Duke of Marlborough's titles, &c. to be enjoyed by the lady Harriott Godolphin, and her heirs male, &c.

Remainders to Anne countess of Sunderland, Elizabeth countess of Bridgewater,

Lady Mary Monthermer, said

said duke of *Marlborough*, and wife of *John Montagu* esquire, called marquis of *Montbermer*, son and heir apparent of *Ralph* duke of *Montagu*, and the heirs males of her body begotten : and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every other the daughter and daughters of the said duke of *Marlborough*, to be begotten, severally and successively one after the other, as they shall be in priority of birth, and the heirs males of their respective bodies issuing, the elder of such daughters, and the heirs males of her body, to be preferred and take before the younger of such daughters, and the heirs males of her body : and for default of such issue, then to continue, remain, and be vested in, and held and enjoyed by the first daughter of the body of the said lady *Harriott Godolphin* begotten, and the heirs males of the body of such first daughter begotten : and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every other the daughter and daughters of the body of the said lady *Harriott Godolphin*, severally and successively one after the other, as they shall be in priority of birth, and the heirs males of their respective bodies issuing ; the elder of such daughters, and the heirs males of her body, to be preferred and take before the younger of such daughters, and the heirs males of her body : and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by the first daughter of the body of the said *Anne* countess of *Sunderland* begotten, and the heirs males of the body of such first daughter begotten : and for want of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every other the daughter and daughters of the body of the said *Anne* countess of *Sunderland* begotten, severally and successively one after the other, as they shall be in priority of birth, and the heirs males of their respective bodies issuing ; the elder of such daughters, and the heirs males of her body to be preferred and take before the younger of such daughters, and the heirs males of her body : and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by the first daughter of the body of the said *Elizabeth*, countess of *Bridgwater* begotten, and the heirs males of the body of such first daughter begotten : and for want of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every other the daughter and daughters of the body of the said *Elizabeth* countess of *Bridgwater* begotten, severally and successively one after the other, as they shall be in priority of birth, and the heirs males of their respective bodies issuing ; the elder of such daughters and the heirs males of her body to be preferred and take before the younger of such daughters, and the heirs males of her body : and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by the first daughter of the body of the said lady *Mary Montagu* begotten, and the heirs males of the body of such first daughter begotten : and for want of such issue, then to continue, remain, be vested in, and held

held and enjoyed by all and every other the daughter and daughters of the body of the said lady *Mary Montagu* begotten, severally and successively, one after the other, as they shall be in priority of birth; the elder of such daughters, and the heirs males of her body to be preferred and take before the younger of such daughters, and the heirs males of her body: and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every daughter and daughters of every other daughter of the said duke of *Marlborough* to be begotten, severally and successively, as they shall be in priority of birth, and the heirs males of their respective bodies issuing; the elder daughter of every such daughter, and the heirs males of her body to be preferred and take before the younger of such daughters, and the heirs males of her body; the daughter and daughters of the elder of such hereafter to be born daughters, and the heirs males of her and their respective bodies issuing, to be preferred, and take in manner aforesaid, before the daughter and daughters of the younger of such after-born daughters: and for default of such issue, to all and every other the issue male and female lineally descending of or from the said duke of *Marlborough*, in such manner, and for such estate, as the same are before limited to the before-mentioned issue of the said duke; it being intended, and hereby enacted, That the said honors shall continue, remain, and be vested in all the issue of the said duke, so long as any such issue male or female shall continue, and be held and enjoyed by them severally and successively, in manner and form aforesaid; the elder and the descendants of every elder issue to be preferred before the younger of such issue.

II. And be it further enacted by the authority aforesaid, That Dukes daughters all and every the daughters of the said duke of *Marlborough*, and the heirs males of their respective bodies, and all and every the daughters of each and every daughter of the said duke of *Marlborough*, and the heirs males of their respective bodies, and all other persons, to whom the said honours, titles, and dignities shall come, and when, and as the same shall come unto them respectively, according to the limitations in this act, shall in all assemblies and places, have and enjoy the same place and precedence as the said duke of *Marlborough*, or any the heirs males of his body hath or ought to have or enjoy, by virtue of the said letters patents bearing date the said fourteenth day of *December*, in the first year of her Majesty's reign. to whom the said honours shall come, to have the same place and precedence, &c.

III. And to the intent that the honour, manor, and park of *Woodstock* in the county of *Oxford*, and the house now erecting there, called *Bleinheim*, and the hundred of *Wootton* in the said county, and all other the manors, messuages, lands, tenements, and hereditaments, which in and by certain letters patents under the great seal of England, bearing date the fifth day of *May*, in the fourth year of her Majesty's reign, were by her Majesty, pursuant to an act of parliament passed in the then last session of parliament, granted to the said duke of *Marlborough* and his heirs, and the advowsons thereby granted, Entail of the honour of Woodstock, Bleinheim house, and the hundred of Wootton.

granted, may always go along and be enjoyed with the titles, honours, and dignities aforesaid, as hereafter is mentioned; be it further enacted by the authority aforesaid, that the said duke of *Marlborough* shall stand and be seized of all the said honour, manor, and park of *Woodstock*, manors, house, and premises, granted by the said last-mentioned letters patents, for and during the term of his natural life, without impeachment of waste; and from and after his decease the same shall be and remain unto, and be held and enjoyed by *Sarah* dutchess of *Marlborough*, wife of the said duke, for and during the term of her natural life; and from and after her decease the same shall be and remain unto, and be held and enjoyed by the heirs males of the body of the said duke of *Marlborough* begotten; and for default of such issue, then the same shall be and remain unto, and be held and enjoyed by all and every the daughters of the said duke of *Marlborough*, and the heirs males of their respective bodies issuing, and all others severally and successively, in such manner as the said titles, honours, and dignities aforesaid are herein before expressed and limited to go, and be enjoyed.

Duke may grant leases of any the manors, &c. except of the house and park,

for 21 years.

Neither the duke nor his heirs, &c. shall bar any person on whom the premises are limited from enjoying the same, &c.

33 H. 3. c. 23.

IV. And be it further enacted by the authority aforesaid, That the said duke of *Marlborough*, and after his decease the said dutchess of *Marlborough*, shall have full power and authority, by deed indented, to make any lease or leases in possession, of all or any of the said manors, hundred, messuages, lands, tenements, and hereditaments aforesaid (other than and except the house called *Bleinheim*, and the park of *Woodstock*) for any number of years, not exceeding one and twenty years, or for any number of years determinable upon one, two, or three lives, reserving the best and most improved rent that can then be had for the same, without taking any fine.

V. Provided always, and be it further enacted by the authority aforesaid, That neither the said duke of *Marlborough*, or the heirs males of his body, nor any of his daughters, or the heirs males of their bodies, or any other person to whom the premises shall come or descend by virtue of the limitations aforesaid, shall have any power by fine or recovery, or any other act, assurance or conveyance in the law, to hinder, bar, or disinherit any the person or persons to or upon whom the said manors, house, lands, tenements, hereditaments or premises, are hereby vested or limited, from holding or enjoying the same, according to the limitations before in this act mentioned, other than and except such leases as the said duke and dutchess may make, by virtue of the powers herein before-mentioned, and such other leases as tenants in tail may and are enabled to make, by virtue of the statute made in the two and thirtieth year of the reign of King *Henry* the Eighth, and grants of lands or tenements held by copy of court roll, according to the customs of the respective manors aforesaid; but all such fines, recoveries, act, assurances and conveyances, other than such leases, and grants by copy, as aforesaid, shall be, and are hereby declared and enacted to be void.

VI. And

VI. And be it further enacted by the authority aforesaid, Aēt to be a That this act shall be adjudged, deemed, and taken, in all publick act, cases, and in all courts and places, a publick act.

C A P. IV.

An act for settling upon John duke of Marlborough and his posterity, a pension of five thousand pounds per annum, for the more honourable support of their dignities, in like manner as his honours and dignities, and the honour and manor of Woodstock, and house of Bleinheim, are already limited and settled.

MOST gracious sovereign, Whereas the most noble John duke of Marlborough, was by several letters patents, created baron Churchill of Sandridge, and earl of Marlborough, to him and the heirs males of his body: and by other letters patents, bearing date the fourteenth day of December, in the first year of your Majesty's reign, in consideration of his great and eminent services to your Majesty and your allies, as well by his prudent negotiations as your Majesty's plenipotentiary at the Hague, where to the mutual advantage of your Majesty and the States General of the United provinces, he settled an intire confidence between your Majesty and the States General, as by his valour and good conduct in the command of the confederate armies abroad, was created marquiss of Blandford, and duke of Marlborough, to him and the heirs males of his body: and whereas by other letters patents under the great seal of England, bearing date the two and twentieth day of December, in the first year of your Majesty's reign, your Majesty was graciously pleased, as a further mark of your royal favour and satisfaction with his services aforesaid, and for the better support of his said dignity, to give and grant unto the said John duke of Marlborough, one annuity or yearly pension of five thousand pounds of lawful English money, to be ^{5000l. per annum granted to the duke of Marlborough, out of the post office,} issuing and payable out of the rents, issues, profits, incomes, revenues, sum and sums of money whatsoever, due and payable, or which should from time to time arise, grow, due, or be payable out of, by, or in respect of your Majesty's general letter office, post office, or office of post master general, or for or by reason of the postage or carriage of letters, packets, or other things within your Majesty's kingdom of England, or elsewhere, to have, receive, and enjoy the said annuity or yearly pension of five thousand pounds, unto the said John duke of Marlborough, and the heirs males of his body, for and during your Majesty's natural life, the same to be computed from the feast of Saint Michael the archangel then last past, and to be paid quarterly at the four most usual feasts or terms in the year (that is to say) the feast of the birth of our Lord Christ, the annunciation of the blessed virgin Mary, the nativity of Saint John the Baptist, and Saint Michael the archangel, by even and equal portions: and whereas an act passed in the third year of your Majesty's reign, intituled, An act for the ^{3 & 4 Annæ,} better enabling her Majesty to grant the honour and manor of ^{c. 6.} Woodstock, with the hundred of Wootton, to the duke of Marlborough and his heirs, in consideration of the eminent services by

during the Queen's life,

Preamble of
the act.

The duke of
Marlboro-
rough's servi-
ces.

Battle of
Schellenbergh

Battle of
Bleinheim.

by him performed to her Majesty and the publick, wherein 'tis mentioned and recited, That the eminent and unparallel'd services of the said duke to your Majesty and the crown of England, were well known, not only to your Majesty and all your subjects, but to all Europe; and that the alliances which your Majesty's royal brother King William the Third, of glorious memory, had, in a little time before his death, contracted, by the ministry of the said duke, as his Majesty's ambassador extraordinary and plenipotentiary to the States General of the United Provinces, for preserving the liberties of Europe against the ambition of France, were immediately after your Majesty's happy accession to the throne, by the said duke, then employed by your Majesty in the same character, confirmed and improved, and that others were contracted, whereby the confederacy, which had been dissolved at the end of the last war, was re-united in a stricter and firmer league; and that in the first year of your Majesty's reign, the said duke of Marlborough had so well executed his commission of captain general and commander in chief of your Majesty's forces, that he not only secured and extended the frontier of Holland, by taking the towns and fortresses of Venlo, Ruremond, Stevenswart and Liege, but soon obliged the enemy, (who had been at the gates of Nemeghen) to seek shelter behind their lines; and in the next campaign, by taking Bonn, Huy, and Limburg, added all the country between the Rhine and the Mees to the conquests of the preceding year; and that in the memorable year one thousand seven hundred and four, when your Majesty was generously pleased to take the resolution of rescuing the empire from that immediate ruin, to which, by the defection of the elector of Bavaria, it was exposed, the measures, which by your Majesty's wisdom and goodness had been devised and concerted, were pursued by the said duke with the utmost diligence, secrecy, and good conduct, in leading the forces of your Majesty and your allies, by a long and difficult march, to the banks of the Danube; where the said duke immediately upon his arrival, did attack and force the Bavarians, (assisted by the French) in their strong intrenchments at Schellenbergh, passed the Danube, distressed the country of Bavaria, and a second time fought the enemy, who had been reinforced by a royal army of the French King's best troops, commanded by a marshal of France, and on the second day of August, one thousand seven hundred and four, after a bloody battle at Bleinheim (although the enemy had the advantage of number and situation) gain'd the most absolute and glorious victory as had been recorded in the history of any age, by which Bavaria being intirely reduced, and Ratibon, Augbourgh, Ulm, Memmingen, and other imperial towns recovered, the liberty of the diet and the peace of the empire were restored, and Landau, Treeves, and Traarbach being taken, the war was carried into the dominions of France; all which happy achievements of the said duke apparently tended, not only to the honour and safety of your Majesty and your subjects, and of their posterity, but also towards the future tranquility of Europe; and that your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, thought themselves thereupon obliged in an humble address to your Majesty, to express their sense of the said glorious victories, and humbly to desire

your Majesty; That you would be graciously pleased to consider of some proper means to perpetuate the memory of such signal services; and that your Majesty was thereupon pleased to signify your intention to grant the interest of the crown in the honor and manor of Woodstock and hundred of Wootton to the said duke and his heirs; Honour of Woodstock, &c.
 whereupon at the humble petition of your Majesty's most dutiful and loyal commons, it was enacted, That it should and might be lawful to and for your Majesty by any letters patents, under the great seal of England, to give and grant unto the said John duke of Marlborough, and his heirs and assigns for ever, all that the said honor and manor of Woodstock, and the hundred of Wootton, and the park of Woodstock in the county of Oxon, and divers other manors, messuages, lands, tenements, and hereditaments, in the said recited act particularly mentioned or described; to be held of your Majesty, your heirs and successors, as of your castle of Windsor, in free and common socage, by fealty, rendering to your Majesty, your heirs and successors, on the second day of August yearly for ever, at your said castle of Windsor, one standard or colours with three flower de luces painted thereupon, for all manner of rents, services, exactions, and demands whatsoever: in pursuance of which said act of parliament, your Majesty by your letters patents, bearing date the fifth day of May, in the fourth year of your Majesty's reign, was graciously pleased to grant all that the said honor and manor of Woodstock and hundred of Wootton, and divers other manors, messuages, lands, tenements, and hereditaments, in the said letters patents particularly mentioned or described, to the said duke of Marlborough, his heirs and assigns for ever: and whereas in the beginning of the year, one thousand seven hundred and five, the said duke of Marlborough led your Majesty's forces, and those of the allies to the Moselle, where, by the progress made in the preceding year, a fair prospect was afforded of removing the war from the countries of your allies, into the enemy's own territories, but that great design, through unforeseen accidents, was rendered impracticable; and the enemy taking advantage of the remoteness of your said general, and the troops under his command, press'd the armies of the States General, which were left for the defence of their frontiers, with a superior force: on this extraordinary occasion, the duke shew'd all the parts of a great captain, and at the same time the zeal he had for your Majesty's service, and true regard to your allies; by a speedy march he returned to the Maas, where a new face of affairs immediately appeared, and your Majesty's good allies the States General were delivered from the uneasiness they were under, Leige was relieved, Huy retaken, and the enemies obliged to retire behind their lines, which they thought impregnable; Tenure.
 but the said duke, with a surprizing conduct and bravery, on the seventh day of July, one thousand seven hundred and five, with an inconsiderable loss, forced the same, defeated great part of the enemy's forces, and obliged their whole army to a precipitate retreat; and although all the advantages were not obtained which the duke had proposed to himself from that success, yet it confirm'd the minds of your Majesty's allies, and produced that happy consequence of the duke's being intrusted with such a power, as gave him an opportunity of performing those great actions, which were executed in the last glorious campaign; Lines forced.

campaign; in which the enemy confiding in the superiority of their army, composed of their choicest troops, gave the duke of Marlborough an opportunity of attacking them, which he did at Ramellies, on the twelfth day of May, one thousand seven hundred and six, with such resolution and conduct, that in two hours time he obtained a most compleat and glorious victory, and prosecuted his advantage without any intermission during the whole campaign: the battle of Ramellies was followed by the immediate surrender of Louvain, Brussels, Malines, Liere, Gant, Oudenard, Antwerp, Dam, Bruges, and Courtray, and the taking of Ostend, Menin, Dendermond, and Aeth; most of which places had heretofore employed the greatest generals whole campaigns in their sieges: and thus almost the entire Spanish Netherlands, which had been contended for so many ages were conquered in one summer: and whereas by an act passed in this present session of parliament, intituled, An act for the settling of the honours and dignities of John duke of Marlborough upon his posterity, and annexing the honour and manor of Woodstock, and house of Bleinheim, to go along with the said honours, it was for perpetuating the memory of the several great actions performed by the said duke, and for settling and continuing the above-mentioned several titles and honours, and the right of precedence, in his posterity, amongst divers other things therein contained, enacted, That in default of heirs males of the body of the said duke of Marlborough issuing, the states, degree, stiles, titles, dignities, and honours aforesaid, should continue, remain, be vested in, and should be held and enjoyed by the lady Harriott, eldest daughter of the said duke of Marlborough, and wife of Francis Godolphin esquire, son and heir apparent of Sidney lord Godolphin, lord high treasurer of England, and the heirs males of her body begotten; and for default of such issue, should continue, remain, be vested in, and held and enjoyed by Anne countess of Sunderland, second daughter of the said duke of Marlborough, and wife of Charles earl of Sunderland, and the heirs males of her body begotten; and for default of such issue, should continue, remain, be vested in, and held and enjoyed by Elizabeth countess of Bridgewater, third daughter of the said duke of Marlborough, and wife of Scroope earl of Bridgewater, and the heirs males of her body begotten; and for default of such issue, should continue, remain, be vested in, and held and enjoyed by the lady Mary, youngest daughter of the said duke of Marlborough, and wife of John Montagu esquire, called marquis of Monthermer, son and heir apparent of Ralph duke of Montagu, and the heirs males of her body begotten; and for default of such issue, then to continue, remain, and be vested in, and held and enjoyed by all and every other the daughter and daughters of the said duke of Marlborough, to be begotten, severally and successively one after the other, as they shall be in priority of birth, and the heirs males of their respective bodies issuing; the elder of such daughters and the heirs males of her body, to be preferred, and take before the younger of such daughters, and the heirs males of her body; and for defaults of such issue, then to continue, remain, be vested in, and held and enjoyed by the first daughter of the body of the said lady Harriott Godolphin begotten, and the heirs

Battle of Ramellies.

5 Ann. c. 3.

Entail of the duke of Marlborough's honours.

heirs males of the body of such first daughter begotten; and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every other the daughter and daughters of the body of the said lady Harriott Godolphin, severally and successively one after the other, as they shall be in priority of birth, and the heirs males of their respective bodies issuing; the elder of such daughters and the heirs males of her body, to be preferred and take before the younger of such daughters, and the heirs males of her body; and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by the first daughter of the body of the said Anne countess of Sunderland begotten, and the heirs males of the body of such first daughter begotten; and for want of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every other the daughter and daughters of the body of the said Anne countess of Sunderland begotten, severally and successively one after the other, as they shall be in priority of birth, and the heirs males of their respective bodies issuing; the elder of such daughters, and the heirs males of her body, to be preferred, and take before the younger of such daughters, and the heirs males of her body, and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by the first daughter of the body of the said Elizabeth countess of Bridgewater begotten, and the heirs males of the body of such first daughter begotten, and for want of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every other the daughter and daughters of the body of the said Elizabeth countess of Bridgewater begotten, severally and successively one after the other, as they shall be in priority of birth, and the heirs males of their respective bodies issuing; the elder of such daughters, and the heirs males of her body, to be preferred and take before the younger of such daughters, and the heirs males of her body; and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by the first daughter of the body of the said lady Mary Montagu begotten, and the heirs males of the body of such first daughter begotten; and for want of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every other the daughter and daughters of the body of the said lady Mary Montagu begotten, severally and successively, one after the other, as they shall be in priority of birth; the elder of such daughters, and the heirs males of her body, to be preferred, and take before the younger of such daughters, and the heirs males of her body; and for default of such issue, then to continue, remain, be vested in, and held and enjoyed by all and every daughter and daughters of every other daughter of the said duke of Marlborough to be begotten, severally and successively, as they shall be in priority of birth, and the heirs males of their respective bodies issuing; the elder daughter of every such daughter, and the heirs males of her body, to be preferred and take before the younger of such daughters, and the heirs males of her body; the daughter and daughters of the elder of such then after to be born daughters, and the heirs males of her and their respective bodies issuing, to be preferred and take, in manner aforesaid, before the daughter and daughters of the younger of such after born daughters; and for default of such issue, to all and every other the issue
male

Intail of
Woodstock,
Bleinheim,
and Wootton.

male and female lineally descending of or from the said duke of Marlborough, in such manner, and for such estate, as the same are by the said act limited to the before-mentioned issue of the said duke; it being intended, and thereby enacted, That the said honours should continue, remain, and be vested in all the issue of the said duke, so long as any such issue male or female shall continue, and be held and enjoyed by them severally and successively, in manner and form aforesaid; the elder and the descendants of every elder issue to be preferred before the younger of such issue: and to the intent that the said honour, manor, and park of Woodstock, and the house erecting there, called Bleinheim, and the hundred of Wootton, and all other the manors, messuages, lands, tenements, and hereditaments, which in and by the said letters patents under the great seal of England, bearing date the said fifth day of May, in the fourth year of your Majesty's reign, were by your Majesty, pursuant to the said act of parliament passed in the third year of your Majesty's reign, granted to the said duke of Marlborough, and his heirs; and the advowsons by the said letters patents also granted, might always go along, and be enjoyed with the titles, honours, and dignities, as aforesaid, as therein after is mentioned, it was thereby further enacted, That the said duke of Marlborough should stand and be seized of all the said honour, manor, and park of Woodstock, manors, house, and premises, granted by the said last-mentioned letters patents, during his life, without impeachment of waste; and from and after his decease, that the same should be and remain unto, and be held and enjoyed by Sarah dutchess of Marlborough, wife of the said duke, for and during the term of her natural life; and from and after her decease, the same should be and remain unto, and be held and enjoyed by the heirs males of the body of the said duke of Marlborough, begotten; and for default of such issue, that then the same should be and remain unto, and be held and enjoyed by all and every the daughters of the said duke of Marlborough, and the heirs male of their respective bodies issuing, and all others severally and successively, in such manner as the said titles, honours and dignities aforesaid are therein before expressed and limited to go, and be enjoyed: and 'twas thereby provided and enacted, That neither the said duke of Marlborough, or the heirs male of his body, nor any of his daughters, or the heirs males of their bodies, or any other person to whom the premises should come or descend by virtue of the limitations aforesaid, should have any power, by fine or recovery, or any other act, assurance, or conveyance in the law, to hinder, bar, or disinherit any the person or persons to or upon whom the said manors, house, lands, tenements, hereditaments, or premises, were thereby vested or limited, from holding or enjoying the same, according to the limitations in the said act mentioned (other than and except such leases as the said duke and dutchess might make, by virtue of the powers therein before-mentioned, and such other leases as tenants in tail might and were enabled to make, by virtue of the statute made in the two and thirtieth year of the reign of King Henry the Eighth, and grants of lands or tenements held by copy of court roll, according to the customs of the respective manors aforesaid) but that all such fines, recoveries, act, assurances, and conveyances, other than such leases and grants

grants by copy, as aforesaid, should be, and were thereby declared and enacted to be void. And whereas we your Majesty's most dutiful and loyal commons, taking into our consideration the many eminent services of the said duke of Marlborough, whereby the glory of your Majesty's government, the honour and safety of your kingdoms; and the interest of the common cause have been so highly advanced, did with all submission address ourselves to your Majesty's most sacred person, humbly to desire, That as your Majesty is, at your expense, graciously pleased to erect the house of Bleinheim as a monument of his glorious actions, and the house of peers, by your Majesty's permission, have given rise to the said act passed in this present session for continuing his honours to his posterity, we your Majesty's most obedient commons might be permitted to express our sense of so distinguishing a merit, and our ready disposition to enable your Majesty to make some provision for the more honourable support of his dignities in his posterity, in such manner as should be most agreeable to your Majesty, whereby the gratitude of this whole kingdom might remain upon record to after-ages, and encourage others to follow his great example; to which address your Majesty was pleased to return this most gracious answer, That your Majesty, in consideration of the great and eminent services performed by the said duke in the first year of your reign, as well by his prudent negotiations as your Majesty's plenipotentiary at the Hague, as by his valour and good conduct in the command of the confederate armies abroad, thought fit to grant to him and the heirs male of his body, the title of a duke of this realm; and as a further mark of your favour and satisfaction with his services, and for the better support of his dignity, your Majesty had granted to the said duke and the heirs male of his body, during your Majesty's life, a pension of five thousand pounds per annum out of the revenue of the post office; and that an act having passed this session for settling the honours and dignities of the said duke upon his posterity, and annexing the honor and manor of Woodstock and house of Bleinheim to go along with the said honours; it would be very agreeable to your Majesty, if the pension of five thousand pounds per annum be continued and limited by act of parliament to his posterity, for the more honourable support of their dignities, in like manner, as his honours and the honor and manor of Woodstock and house of Bleinheim are already limited and settled: we your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, duly considering your Majesty's most gracious answer, and also the wise provision made by your Majesty, through your Majesty's abundant grace and goodness to your people, by an act passed in the first year of your Majesty's reign, for preserving the inheritance of the several revenues of the crown, think ourselves obliged to transmit to all succeeding times the memory of so many glorious actions, together with the just sense of the kingdom, after what manner such transcendent merit ought to be rewarded; and thereupon do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That in

Address of the house of commons.

Arrears due for this work provided for by 1. Geo. 1. stat. 2. c. 12. l. 34.

The Queen's answer.

In lieu of the
5000l. per an-
num granted
to the duke
during the
Queen's life,

5000l. per an-
num to be
paid out of
the post office,
22 Car. 2. c.
35.

quarterly,

to the duke,
&c. and all
others, &c. in
the same man-
ner as his
titles, &c. are
limited.

How, and by
whom the said
annuity shall
be paid.

lieu of the said annuity or yearly pension of five thousand pounds by the said letters patents, bearing date the two and twentieth day of *December*, in the first year of your Majesty's reign, granted to the said duke of *Marlborough*, and the heirs males of his body, during your Majesty's life, as aforesaid, which said pension is from henceforth to cease and determine, one annuity, or yearly pension of five thousand pounds of lawful money of *England*, shall be issuing and payable out of, and charged and chargeable upon all the revenues and monies arising, due and payable, or which shall arise, grow due, or be payable by virtue or in pursuance of an act of parliament made in the twelfth year of the reign of her Majesty's royal uncle King *Charles* the Second, of blessed memory, intituled, *An act for erecting and establishing a post office*, or by virtue, or in pursuance of any other act or acts of parliament whatsoever, for establishing, vesting, or settling the revenue of the general letter office, or post office, or office of post master general in the crown, or any other act or acts of parliament relating to the said office or revenue: and the same shall from time to time be paid quarterly, at the four most usual feasts, or days of payment in the year, (that is to say) the annunciation of the blessed virgin *Mary*, the nativity of Saint *John* the baptist, the feast of St. *Michael* the archangel, and the feast of the birth of our Lord *Christ*, in manner and form following, (that is to say) to the said duke of *Marlborough*, for and during the term of his natural life, and from and after his decease to *Sarah* dutchess of *Marlborough*, wife of the said duke, for and during the term of her natural life; and from and after her decease, to the heirs male of the body of the said duke of *Marlborough* begotten; and for default of such issue, to all and every the daughters of the said duke of *Marlborough*, and the heirs male of their respective bodies issuing, and to all others severally and successively, in such manner as the said titles, honours, and dignities aforesaid, are by the said act made in this present session of parliament, expressed and limited to go and be enjoyed.

II. And be it further enacted by the authority aforesaid, That the said annuity, or yearly pension of five thousand pounds hereby enacted to be paid, as aforesaid, shall be paid by the immediate hands of all and every the commissioners, post masters, farmers, treasurers, receivers, and collectors for the time being of the said revenues respectively, by authority of this act, without any further or other warrant, order, or direction to be obtained for that purpose, and without any fees or charges to be demanded or taken for paying the same, or any part thereof, unto the said *John* duke of *Marlborough*, and to all others severally and successively to whom the same shall, after the decease of the said duke, come, descend, remain, or belong by virtue of this act, when and as they shall respectively become entitled to receive the same, at the aforesaid four most usual feasts or days of payment in the year, the first of the said payments to be made on the feast of the annunciation of the blessed virgin *Mary*

now next ensuing, and the payment of the said annuity, or yearly pension of five thousand pounds herein before enacted to be paid, as aforesaid shall not at any time hereafter be stop'd or delay'd by any order or direction whatsoever: and if the said commissioners, post masters, farmers, treasurers, receivers, and collectors for the time being of the said revenues, or any of them, shall refuse or neglect to pay the said annuity, or yearly pension of five thousand pounds hereby enacted to be paid, as aforesaid, or any part thereof, to the said duke of *Marlborough*, or any other person to whom the same after the decease of the said duke shall come, descend, remain, or belong, by virtue of this act, then the said duke and every other person respectively, being intitled to receive the same, as aforesaid, may sue, prosecute, and implead the said commissioners, post masters, farmers, treasurers, receivers general, and collectors, or any of them, and all or any of their securities, heirs, executors, and administrators, by bill, plaint, or action of debt, and shall and may recover judgments, and sue out executions thereupon, against the said commissioners, post masters, farmers, treasurers, receivers, and collectors respectively, and their respective securities, heirs, executors, and administrators, for such sum and sums of money then due and owing upon the said annuity or yearly pension, as shall be in the hands of the said commissioners, post masters, farmers, treasurers, receivers, and collectors respectively of the said revenue, at the time when demand shall be made of the payment of the said annuity or yearly pension, or any part thereof, or of any arrears thereof.

III. And 'tis hereby further enacted, That the acquittance or acquittances of the said duke, and of every other person to whom the said annuity or yearly pension of five thousand pounds, after the decease of the said duke, shall come, descend, remain, or belong, by virtue of this act, expressing the receipt of any sum or sums of money in pursuance of this act, shall be a good and sufficient voucher and discharge for the payment thereof, and every such payment shall be allowed upon the respective account and accounts of the aforesaid officer and officers, person or persons paying the same, without any further or other warrant or authority whatsoever to be had or obtain'd for that purpose.

Duke's acquittance a sufficient discharge.

IV. Provided always, and be it further enacted by the authority aforesaid, That neither the said duke of *Marlborough*, or any other person to whom the said annuity or yearly pension of five thousand pounds hereby enacted to be paid, as aforesaid, shall come, descend, remain, or belong, by virtue of the limitations aforesaid, shall have power by any act, assurance or conveyance in the law whatsoever, to hinder, bar, or disinherit any the person or persons, to whom the said annuity or yearly pension is by virtue of this act limited or appointed to come, descend, or remain, from holding, enjoying, receiving, or taking the same according to the limitations thereof made by this act, but that every such act, assurance, or conveyance, shall be, and is hereby declared and enacted to be void.

Neither the duke nor his heirs, &c. to bar any person to whom the annuity is limited from receiving the same.

Not to prejudice the payment of any annuity payable out of the post office, &c.

V. Provided always, That nothing in this present act contained, shall extend, or be construed to take away, interrupt or prejudice the payment of any annuity, pension, or yearly sum of money whatsoever, issuing or payable out of, or charged or chargeable upon the said revenue of the post office, granted or confirmed by or in pursuance of any act or acts of parliament, or by any letters patents under the great seal of England, to any person or persons whatsoever, (except the said yearly pension of five thousand pounds granted by the said letters patents, bearing date the said two and twentieth day of December, in the first year of her Majesty's reign, to the said duke and the heirs males of his body during her Majesty's life, as aforesaid) but that every such annuity, pension, or yearly sum (except before excepted) shall continue, remain, and be payable as if this act had never been made; any thing herein before contained to the contrary thereof, in any wise notwithstanding.

Act to be a publick act.

VI. And be it declared and enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken, in all cases, and in all courts, and places, to be a publick act.

CAP. V.

An act for securing the church of England as by law established: Acts 13 Eliz. c. 12. and 13 and 14 Car. 2. c. 4. &c. to be in force for ever. Queen's successors at their coronation to take an oath to maintain the church of England, &c. This act to be for ever an essential part of any treaty of union, &c.

EX P.

This act is inserted in the act of the union, 5 An. c. 8 s. 7. &c. and is therefore omitted here.

CAP. VI.

An act for repealing a clause in an act, intituled, An act for the better apprehending, prosecuting, and punishing felons that commit burglaries, house-breaking, or robberies in shops, ware-houses, coach-houses, or stables, or that steal horses.

10 & 11 W. 3. c. 23.

WHEREAS by an act made in the tenth year of the reign of his late majesty King William the Third, intituled, An act for the better apprehending, prosecuting, and punishing felons that commit burglaries, house-breaking, or robbery in shops, ware-houses, coach-houses, or stables, or that steal horses; it is (amongst other things) enacted, That from and after the twentieth day of May, one thousand six hundred ninety nine, all and every person and persons, who should be convicted of or for any theft or larceny, and should have the benefit of the clergy allowed thereupon, or ought to be burnt in the hand for such offence, instead of being burnt in the hand, should be burnt in the most visible part of the left cheek nearest the nose: and whereas it hath been found by experience, that the said punishment hath not had its desired effects, by deterring such offenders from the further committing such crimes and offences, but on the contrary, such offenders being rendered thereby unfit to be intrusted in any service or employment to get their livelihood in any honest and lawful way, become the more desperate; be it enacted by the Queen's most excel-

excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fourteenth day of *February*, which shall be in the year of our Lord one thousand seven hundred and six, so much of the said act as inflicts or concerns the inflicting the said punishment of burning in the cheek, shall be and is hereby repealed.

Clause for burning of offenders in the cheek, repealed.

II. And be it further enacted by the authority aforesaid, That in all cases where any person or persons shall, from and after the said fourteenth day of *February*, be convicted of any theft or larceny, and shall have the benefit of this act allowed thereupon, or ought by the laws in force before the making the said act, to be burned in the hand for such offence, shall be burnt in the hand, as formerly they should or ought to have been before the making of the said act; and the judge or justices before whom such offender or offenders shall be tried and convicted, shall also, at his or their discretion, award and give judgment, That such offender and offenders shall be committed to some house of correction or publick work-house within the county, city, town, or place where such conviction shall be, there to be, remain, and be kept, without bail or mainprize, for such time as such judge or justices shall then judge and award, not less than six months, and not exceeding two years, to be accounted from the time of such conviction, and an entry thereof shall be made of record; pursuant to such judgment and award, and such offender and offenders so judged and awarded to remain and be kept in such house of correction or publick work-house, shall be there set at work, and kept at hard labour for and during such time as shall be so adjudged and recorded; and in case such person or persons shall refuse or neglect to work and labour as they ought to do, the master or keeper of such house of correction or publick work-house respectively, is hereby required to give such persons such due correction as shall be fit and necessary in that behalf.

Offender to be burnt in the hand, as formerly.

And committed to work-house, &c. for 6 months, &c.

Penalty on such as refuse to work.

III. And be it further enacted by the authority aforesaid, That in case any such offender or offenders shall, after such judgment given, escape out of prison, or out of such house of correction or publick work-house, as he, she, or they shall be committed unto, as aforesaid, such person or persons, being afterwards retaken, shall be brought before some or one of her Majesty's judges, or before two or more justices of the peace (whereof one to be of the *Quorum*) of such county, city, town, or place, where such offender or offenders shall be so retaken; which judge or justices are hereby required to commit such offender and offenders to some house of correction or publick work-house, within such county, city, town, or place, where he, she, or they shall be so retaken, there to remain without bail or mainprize for any time not less than twelve months, and not exceeding four years, to be accounted from the time of such retaking; and there be set at work and kept at hard labour, and receive such due correction, as aforesaid; and in case any master

If offenders escape and be retaken, to be committed to work-house for 12 months, &c.

and kept at
hard labour.

or keeper of any house of correction, or publick work-house, shall neglect to do his duty, as above directed, any judge or justice of assize or gaol delivery, upon complaint, and due proof thereof upon the oath of one or more witnesses to him made, shall be, and is hereby impowred to remove every such person from his said office.

Felons convicted, to have benefit of this act, without being required to read, &c.

VI. *And forasmuch as when any person is convicted for any felony within the benefit of clergy, upon his prayer to have the benefit thereof allowed to him, it hath been used to administer a book to him to try whether he can read as a clerk, which by experience is found to be of no use; be it therefore enacted by the authority aforesaid, That from and after the said fourteenth day of February, if any person be convicted of any such felony, for which he ought to have had the benefit of his clergy, if this act had not been made, and shall pray to have the benefit of this act, he shall not be required to read, but without any reading, shall be allowed, taken, and reputed to be, and punished as, a clerk convicted, which shall be as effectual to all intents and purposes, and be as advantageous to him, as if he had read as a clerk; any thing in this act, or any other law or statute to the contrary notwithstanding.*

CAP. VII.

An act for regulating and ascertaining the duties to be paid by the unfree-men importers of coals into the port and borough of Great Yarmouth, in the county of Norfolk.

From 25 March, 1707, persons not freemen of corporation of Great Yarmouth, may import and sell coals there, paying 6d. per chaldier, and 6d. ob. per chaldier, for ballast. On paying rate, corporation to furnish importers with ballast. Importers, &c. not freemen, to pay 4s. 6d. for pilotage, &c. besides a halfpenny per chaldier coal tonnage. All persons except freemen to pay the duties, &c. Ships, tackle, &c. may be detained for duties not paid, and distress sold, &c. Not to impeach duties granted by 10 & 11 W. 3. c. 5. Sixty pounds yearly payable out of duties, &c. to chamberlain of Norwich, for cleansing and deepning the rivers Yarr, Waveney, and the North River, &c. 10 & 11 W. 3. c. 5. Mayor, &c. of Norwich in common council to dispose of the monies, &c. Mayor, &c. of Norwich may levy money by warrant, &c. Proviso for cleansing the river to Dilham. Not to alter 16 Car. 1. Saving of right to all persons, &c.

CAP. VIII.

An act for an union of the two kingdoms of England and Scotland.

Most Gracious Sovereign,

WHEREAS articles of union were agreed on, the twenty second day of July, in the fifth year of your Majesty's reign, by the commissioners nominated on behalf of the kingdom of England, under your Majesty's great seal of England, bearing date at Westminster the tenth day of April then last past, in pursuance of an act of parliament made in England, in the third year of your Majesty's reign, and the commissioners nominated on the behalf of the kingdom of Scotland, under your Majesty's great seal of Scotland, bearing date the twenty seventh day of February, in the fourth year of your Majesty's reign, in pursuance of the fourth act of the third session of the

the present parliament of Scotland, to treat of and concerning an union of the said kingdoms: and whereas an act hath passed in the parliament of Scotland at Edinburgh, the sixteenth day of January, in the fifth year of your Majesty's reign, wherein 'tis mentioned, That the estates of parliament considering the said articles of union of the two kingdoms, had agreed to and approved of the said articles of union, with some additions and explanations, and that your Majesty, with advice and consent of the estates of parliament, for establishing the protestant religion and presbyterian church government within the kingdom of Scotland, had passed in the same session of parliament an act, intituled, An act for securing of the protestant religion and presbyterian church government, which by the tenor thereof was appointed to be inserted in any act ratifying the treaty, and expressly declared to be a fundamental and essential condition of the said treaty or union in all times coming: the tenor of which articles, as ratified and approved of, with additions and explanations by the said act of parliament of Scotland, follows:

ARTICLE I.

THAT the two kingdoms of England and Scotland shall upon the first day of May, which shall be in the year one thousand seven hundred and seven, and for ever after, be united into one kingdom by the name of *Great Britain*; and that the ensigns armorial of the said united kingdom be such as her Majesty shall appoint, and the crosses of *St. George* and *St. Andrew* be conjoined in such manner as her Majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

Union of the two kingdoms.
Ensigns armorial.

ARTICLE II.

That the succession of the monarchy to the united kingdom of *Great Britain*, and of the dominions thereto belonging, after her most sacred Majesty, and in default of issue of her Majesty, be, remain, and continue to the most excellent princesses *Sophia*, electress and dutches dowager of *Hanover*, and the heirs of her body being protestants, upon whom the crown of *England* is settled by an act of parliament made in *England* in the twelfth year of the reign of his late Majesty King *William* the Third, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*: and that all papists, and persons marrying papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the imperial crown of *Great Britain*, and the dominions thereunto belonging, or any part thereof; and in every such case, the crown and government shall from time to time descend to, and be enjoyed by such person, being a protestant, as should have inherited and enjoyed the same, in case such papist, or person marrying a papist, was naturally dead, according to the provision for the descent of the crown of *England*, made by another act of parliament in *England* in the first year of the reign of their late majesties King *William* and Queen *Mary*,

Succession to the monarchy.

12 & 13 W. 3.
C. 2.
Papists excluded.

1 W. & M. II.
2. C. 2.

Mary, intituled, An act declaring the rights and liberties of the subjects, and settling the succession of the crown.

ARTICLE III.

One parliament.

That the united kingdom of *Great Britain* be represented by one and the same parliament, to be stiled *The Parliament of Great Britain.*

ARTICLE IV.

Freedom of trade.

That all the subjects of the united kingdom of *Great Britain* shall, from and after the union, have full freedom and intercourse of trade and navigation to and from any port or place within the said united kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles.

ARTICLE V.

Scotch ships to be British ships.

That all ships or vessels belonging to her Majesty's subjects of *Scotland*, at the time of ratifying the treaty of union of the two kingdoms in the parliament of *Scotland*, though foreign built, be deemed, and pass as ships of the built of *Great Britain*; the owner, or where there are more owners, one or more of the owners, within twelve months after the first of *May* next, making oath, That at the time of ratifying the treaty of union in the parliament of *Scotland*, the same did, in whole or in part, belong to him or them, or to some other subject or subjects in *Scotland*, to be particularly named, with the place of their respective abodes; and that the same doth then, at the time of the said deposition, wholly belong to him or them; and that no foreigner, directly or indirectly, hath any share, part, or interest therein; which oath shall be made before the chief officer or officers of the customs, in the port next to the abode of the said owner or owners; and the said officer or officers shall be impowered to administer the said oath; and the oath being so administered shall be attested by the officer or officers, who administered the same; and being registred by the said officer or officers, shall be delivered to the master of the ship for security of her navigation; and a duplicate thereof shall be transmitted by the said officer or officers, to the chief officer or officers of the customs in the port of *Edinburegh*, to be there entred in a register, and from thence to be sent to the port of *London*, to be there entred in the general register of all trading ships belonging to *Great Britain*.

ARTICLE VI.

Trade.
See 5 Geo. 1.
c. 20. & 9
Geo. 1. c. 21.

That all parts of the united kingdom for ever, from and after the union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs

‘customs and duties on import and export; and that the allowances, encouragements, and drawbacks, prohibitions, restrictions, and regulations of trade, and the customs and duties on import and export, settled in *England* when the union commenced, shall, from and after the union, take place, throughout the whole united kingdom; excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which after the union, are to remain safe and entire to them in all respects, as before the same. And that from and after the union, no *Scots* cattle carried into *England*, shall be liable to any other duties, either on the publick or private accounts, than those duties to which the cattle of *England* are or shall be liable within the said kingdom. And seeing by the laws of *England*, there are rewards granted upon the exportation of certain kinds of grain, wheroin oats grinded or ungrinded are not expressed; that from and after the union, when oats shall be sold at fifteen shillings sterling per quarter, or under, there shall be paid two shillings and six pence sterling for every quarter of the oatmeal exported in the terms of the law, whereby and so long as rewards are granted for exportation of other grains, and that the bear of *Scotland* have the same rewards as barley: and in respect the importation of victuals into *Scotland*, from any place beyond sea, would prove a discouragement to tillage, therefore that the prohibition as now in force by the law of *Scotland*, against importation of victuals from *Ireland*, or any other place beyond sea into *Scotland*, do, after the union, remain in the same force as now it is, until more proper and effectual ways be provided by the parliament of *Great Britain*, for discouraging the importation of the said victuals from beyond sea.’

Scots cattle.

Importation of victuals.

14 Geo. 2. c. 7.

ARTICLE VII.

‘That all parts of the united kingdom be for ever, from and after the union, liable to the same excises upon all excisable liquors, excepting only that the thirty four gallons *English* barrel of beer or ale, amounting to twelve gallons *Scots* present measure, sold in *Scotland* by the brewer at nine shillings six pence sterling, excluding all duties, and retailed, including duties and the retailers profit, at two pence the *Scots* pint, or eighth part of the *Scots* gallon, be not after the union liable, on account of the present excise upon excisable liquors in *England*, to any higher imposition than two shillings sterling upon the foresaid thirty four gallons, *English* barrel, being twelve gallons the present *Scots* measure: and that the excise settled in *England* on all other liquors, when the union commences, take place throughout the whole united kingdom.’

Excises. See 5 Geo. 1, c. 20. Explained by 12 Geo. 1, c. 4. s. 58.

ARTICLE VIII.

‘That from and after the union, all foreign salt which shall be imported into *Scotland*, shall be charged at the importation there,

Foreign salt.

there, with the same duties as the like salt is now charged with being imported into *England*, and to be levied and secured in the same manner: but in regard the duties of great quantities of foreign salt imported may be very heavy upon the merchants importers, that therefore all foreign salt imported into *Scotland*, shall be collar'd and locked up under the custody of the merchant importers, and the officers employed for levying the duties upon salt, and that the merchant may have what quantity thereof his occasion may require, not under a way of forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months. But *Scotland* shall, for the space of seven years from the said union, be exempted from paying in *Scotland*, for salt made there; the duty or excise now payable for salt made in *England*; but from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in *Scotland* as shall be then payable for salt made in *England*, to be levied and secured in the same manner, and with proportionable drawbacks and allowances as in *England*, with this exception, That *Scotland* shall, after the said seven years, remain exempted from the duty of two shilling four pence a bushel on home salt, imposed by an act made in *England* in the ninth and tenth of King *William* the Third of *England*; and if the parliament of *Great Britain* shall, at or before the expiring of the said seven years, substitute any other fund in place of the said two shillings four pence of excise on the bushel of home salt, *Scotland* shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty; and that during the said seven years, there shall be paid in *England*, for all salt made in *Scotland*, and imported from thence into *England*, the same duties upon the importation, as shall be payable for salt made in *England*, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in *England*; and that after the said seven years, as long as the said duty of two shillings four pence a bushel upon salt is continued in *England*, the said two shillings and four pence a bushel shall be payable for all salt made in *Scotland*, and imported into *England*, to be levied and secured in the same manner; and that during the continuance of the duty of two shillings four pence a bushel upon salt made in *England*, no salt whatsoever be brought from *Scotland* to *England* by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier as well as the owner shall be liable, jointly and severally, and the persons bringing or carrying the same to be imprisoned by any one justice of the peace, by the space of six months without bail, and until the penalty be paid. And for establishing an equality in trade, that all flesh exported from *Scotland* to *England*, and put on board in *Scotland* to be exported to parts beyond the seas,

Scotch salt.

Home salt.
9 & 10 W. 3.
c. 44.

Repealed by
3 Geo. 2. c. 20.
f. 3. as to salt
imported.

Flesh exported
from *Scotland*.

1. *fees, and provisions for ships in Scotland, and for foreign voy-*
 2. *ages, may be salted with Scots salt, paying the same duty for*
 3. *what salt is so employed as the like quantity of such salt pays*
 4. *in England, and under the same penalties, forfeitures, and*
 5. *provisions for preventing of frauds as are mentioned in the*
 6. *laws of England; and that from and after the union, the laws*
 7. *and acts of parliament in Scotland, for pining, curing, and*
 8. *packing of herrings, white fish and salmon for exportation*
 9. *with foreign salt only, without any mixture of British or Irish*
 10. *salt, and for preventing of frauds in curing and packing of fish,*
 11. *be continued in force in Scotland, subject to such alterations as*
 12. *shall be made by the parliament of Great Britain; and that all*
 13. *fish exported from Scotland to parts beyond the seas, which*
 14. *shall be cured with foreign salt only, and without mixture of*
 15. *British or Irish salt, shall have the same easies, premiums, and*
 16. *drawbacks, as are or shall be allowed to such persons as export*
 17. *the like fish from England; and that for encouragement of the*
 18. *herring fishing, there shall be allowed and paid to the subjects,*
 19. *inhabitants of Great Britain, during the present allowances for*
 20. *other fish, ten shillings five pence sterling for every barrel of*
 21. *white herrings which shall be exported from Scotland; and*
 22. *that there shall be allowed five shilling sterling for every barrel*
 23. *of beef or pork salted with foreign salt, without mixture of*
 24. *British or Irish salt, and exported for sale from Scotland to parts*
 25. *beyond sea, alterable by the parliament of Great Britain; and if*
 26. *any matters of fraud relating to the said duties on salt*
 27. *shall hereafter appear, which are not sufficiently provided a-*
 28. *gainst by this article, the same shall be subject to such further*
 29. *provisions as shall be thought fit by the parliament of Great*
 30. *Britain.*

Curing of
Herrings.

Fish exported.

These duties
revived for
3 years, by
5 Geo. a. c. 6.

ARTICLE IX.

1. That whensoever the sum of one million nine hundred
 2. ninety seven thousand seven hundred and sixty three pounds,
 3. eight shillings, and four pence halfpenny, shall be enacted by
 4. the parliament of Great Britain to be raised in that part of the
 5. united kingdom now called England, on land and other things
 6. usually charged in acts of parliament there, for granting an
 7. aid to the crown by a land tax; that part of the united king-
 8. dom now called Scotland, shall be charged by the same act,
 9. with a further sum of forty eight thousand pounds, free of all
 10. charges, as the *quota* of Scotland, to such tax, and so propor-
 11. tionably for any greater or lesser sum raised in England by any
 12. tax on land, and other things usually charged together with
 13. the land; and that such *quota* for Scotland, in the cases afore-
 14. said, be raised and collected in the same manner as the *cess*
 15. now is in Scotland; but subject to such regulations in the man-
 16. ner of collecting, as shall be made by the parliament of Great
 17. Britain.

Land tax.

Quota of Scot-
land.

ARTICLE X.

Stamp vellum.

‘ That during the continuance of the respective duties on stamp paper, vellum, and parchment, by the several acts now in force in *England*, *Scotland* shall not be charged with the same respective duties.’

ARTICLE XI.

Window tax.

‘ That during the continuance of the duties payable in *England* on windows and lights, which determine on the first day of *August*, one thousand seven hundred and ten, *Scotland* shall not be charged with the same duties.’

ARTICLE XII.

Coals, culm, and cynders.

‘ That during the continuance of the duties payable in *England* on coals, culm, and cynders, which determine the thirtieth day of *September*, one thousand seven hundred and ten, *Scotland* shall not be charged therewith for coals, culm, and cynders consumed there; but shall be charged with the same duties as in *England* for all coals, culm, and cynders not consumed in *Scotland*.’

ARTICLE XIII.

Malt.

‘ That during the continuance of the duty payable in *England* upon malt, which determines the twenty fourth day of *June*, one thousand seven hundred and seven, *Scotland* shall not be charged with that duty.’

ARTICLE XIV.

Scotland not chargeable with any other duties before the union, except these consented to. See § Geo. 1. c. 20.

‘ That the kingdom of *Scotland* be not charged with any other duties laid on by the parliament of *England* before the union, except these consented to in this treaty; in regard it is agreed, That all necessary provision shall be made by the parliament of *Scotland* for the publick charge and service of that kingdom, for the year one thousand seven hundred and seven. Provided nevertheless, That if the parliament of *England* shall think fit to lay any further impositions by way of customs, or such excises, with which by virtue of this treaty, *Scotland* is to be charged equally with *England*, in such case *Scotland* shall be liable to the same customs and excises, and have an equivalent to be settled by the parliament of *Great Britain*; with this further provision, That any malt to be made and consumed in that part of the united kingdom now called *Scotland*, shall not be charged with any imposition on malt, during this present war. And seeing it cannot be supposed that the parliament of *Great Britain* will ever lay any sort of burthens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with this regard to the circumstances and abilities of every part of the united kingdom, therefore it is agreed, That there be no further exemption insisted upon for any part of the united kingdom, but that

Provide.

‘ the

the consideration of any exemptions beyond what are already agreed on in this treaty, shall be left to the determination of the parliament of Great Britain.

ARTICLE XV.

That whereas by the terms of this treaty, the subjects of Scotland, for preserving an equality of trade throughout the united kingdom, will be liable to several customs and excises now payable in England, which will be applicable towards payment of the debts of England, contracted before the union; it is agreed, That Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England, in all particulars whatsoever, in manner following, viz. That before the union of the said kingdoms, the sum of three hundred ninety eight thousand and eighty five pounds, ten shillings, be granted to her Majesty by the parliament of England, for the uses after-mentioned, being the equivalent to be answered to Scotland for such parts of the said customs and excises upon all exciseable liquors with which that kingdom is to be charged upon the union, as will be applicable to the payment of the said debts of England, according to the proportion which the present customs in Scotland, being thirty thousand pounds *per annum*, do bear to the customs in England, computed at one million three hundred forty one thousand five hundred and fifty nine pounds *per annum*; and which the present excises on exciseable liquors in Scotland, being thirty three thousand and five hundred pounds *per annum*, do bear to the excises on exciseable liquors in England, computed at nine hundred forty seven thousand six hundred and two pounds *per annum*: which sum of three hundred ninety eight thousand eighty five pounds, ten shillings, shall be due and payable from the time of the union. And in regard that after the union Scotland becoming liable to the same customs and duties payable on import and export, and to the same excises on all exciseable liquors as in England, as well upon that account, as upon the account of the increase of trade and people, (which will be the happy consequence of this union) the said revenues will much improve beyond the before-mentioned annual values thereof, of which no present estimate can be made; yet nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to Scotland; it is agreed, That after the union there shall be an account kept of the said duties arising in Scotland, to the end it may appear what ought to be answered to Scotland as an equivalent for such proportion of the said increase as shall be applicable to the payment of the debts of England. And for the further and more effectual answering the several ends hereafter mentioned, it is agreed, That from and after the union, the whole increase of the revenues of customs and duties on import and export, and excises upon exciseable liquors in Scotland, over and above the annual produce of the said respective duties, as above stated, shall go

Equivalent.

See 1 Geo. 1.
Stat. a. c. 27.
& 5 Geo. 1.
c. 20.

and

and be applied, for the term of seven years, to the uses here-
 after mentioned; and that upon the said account there shall
 be answered to *Scotland* annually from the end of seven years
 after the union, an equivalent in proportion to such part of
 the said increase, as shall be applicable to the debts of *England*;
 and generally, that an equivalent shall be answered to *Scot-*
land for such parts of the *English* debts, as *Scotland* may here-
 after become liable to pay by reason of the union, other than
 such for which appropriations have been made by parliament
 in *England*, of the customs, or other duties on export and im-
 port, excises on all exciseable liquors, in respect of which
 debts, equivalents are herein before provided. And as for the
 uses to which the said sum of three hundred ninety eight thou-
 sand eighty five pounds, ten shillings, to be granted, as afore-
 said, and all other monies which are to be answered or allow-
 ed to *Scotland*, as aforesaid, are to be applied, it is agreed,
 That in the first place, out of the aforesaid sum, what confi-
 deration shall be found necessary to be had for any losses,
 which private persons may sustain by reducing the coin of *Scot-*
land to the standard and value of the coin of *England*, may be
 made good; in the next place, that the capital stock, or fund
 of the *African* and *Indian* company of *Scotland* advanced, toge-
 ther with interest for the said capital stock, after the rate of
 five per centum per annum, from the respective times of the pay-
 ment thereof, shall be paid: upon payment of which capital
 stock and interest, it is agreed, the said company be dissolved
 and cease, and also, that from the time of passing the act of
 parliament in *England*, for raising the said sum of three hun-
 dred ninety eight thousand eighty five pounds, ten shillings,
 the said company shall neither trade, nor grant licence to trade;
 providing, that if the said stock and interest shall not be paid
 in twelve months after the commencement of the union, that
 then the said company may from thenceforward trade, or give
 licence to trade, until the said whole capital stock and interest
 shall be paid. And as to the overplus of the said sum of three
 hundred ninety eight thousand eighty five pounds, ten shil-
 lings, after payment of what consideration shall be had for
 losses in repairing the coin, and paying the said capital stock
 and interest, and also the whole increase of the said revenues
 of customs, duties, and excises, above the present value, which
 shall arise in *Scotland*, during the said term of seven years, to-
 gether with the equivalent which shall become due upon the
 improvement thereof in *Scotland* after the said term; and also,
 as to all other sums, which, according to the agreements a-
 foresaid, may become payable to *Scotland* by way of equiva-
 lent, for what that kingdom shall hereafter become liable to-
 wards payment of the debts of *England*; it is agreed, That
 the same be applied in the manner following, viz. That all
 the publick debts of the kingdom of *Scotland*, as shall be ad-
 justed by this present parliament, shall be paid: and that two
 thousand pounds per annum for the space of seven years, shall

Uses to which
 equivalent
 money is ap-
 plied.

Coin of Scot-
 land.

African com-
 pany.

Overplus.

Publick debts.

' be applied towards encouraging and promoting the manufac-^{Manufacture}
 ' ture of coarse wool within those shires which produce the ^{of coarse}
 ' wool; and that the first two thousand pounds sterling be paid ^{wool.}
 ' at *Martinmas* next, and so yearly at *Martinmas*, during the
 ' space aforesaid; and afterwards, the same shall be wholly ap-^{Fisheries.}
 ' plied towards the encouraging and promoting the fisheries, ^{See 13 Geo. 1.}
 ' and such other manufactures and improvements in *Scotland*, ^{c. 30. f. 1.}
 ' as may most conduce to the general good of the united king-^{& 1 Geo. 2.}
 ' dom. And it is agreed, That her Majesty be impowered to ^{stat. 2. c. 1. f. 8.}
 ' appoint commissioners, who shall be accountable to the par-^{Commission-}
 ' liament of *Great Britain*, for disposing the said sum of three ^{ers for the e-}
 ' hundred ninety eight thousand and eighty five pounds, ten ^{quivalent.}
 ' shillings, and all other monies which shall arise to *Scotland*,
 ' upon the agreements aforesaid, to the purposes before-men-
 ' tioned: which commissioners shall be impowered to call for,
 ' receive, and dispose of the said monies, in manner aforesaid,
 ' and to inspect the books of the several collectors of the said
 ' revenues, and of all other duties, from whence an equivalent
 ' may arise: and that the collectors and managers of the said
 ' revenues and duties be obliged to give to the said commission-
 ' ers subscribed authentick abbreviates of the produce of such
 ' revenues and duties arising in their respective districts: and
 ' that the said commissioners shall have their office within the
 ' limits of *Scotland*, and shall in such office keep books contain-
 ' ing accounts of the amount of the equivalents, and how the
 ' same shall have been disposed of from time to time, which
 ' may be inspected by any of the subjects, who shall desire the
 ' same.'

ARTICLE XVI.

' That from and after the union, the coin shall be of the ^{Coin.}
 ' same standard and value throughout the united kingdom, as
 ' now in *England*, and a mint shall be continued in *Scotland*,
 ' under the same rules as the mint in *England*, and the present
 ' officers of the mint continued, subject to such regulations and
 ' alterations as her Majesty, her heirs or successors, or the par-
 ' liament of *Great Britain* shall think fit.'

ARTICLE XVII.

' That from and after the union, the same weights and mea-^{Weights and}
 ' sures shall be used throughout the united kingdom, as are ^{measures.}
 ' now established in *England*, and standards of weights and mea-
 ' sures shall be kept by those burghs in *Scotland*, to whom the
 ' keeping the standards of weights and measures, now in use
 ' there, does of special right belong: all which standards shall
 ' be sent down to such respective burghs, from the standards
 ' kept in the Exchequer at *Westminster*, subject nevertheless to
 ' such regulations as the parliament of *Great Britain* shall think
 ' fit.'

ARTICLE XVIII.

' That the laws concerning regulation of trade, customs, ^{Regulation of}
 ' and such excises to which *Scotland* is, by virtue of this treaty, ^{trade.}
 ' to

to be liable, be the same in *Scotland*, from and after the union, as in *England*; and that all other laws in use within the kingdom of *Scotland*, do after the union, and notwithstanding thereof, remain in the same force as before, (except such as are contrary to, or inconsistent with this treaty) but alterable by the parliament of *Great Britain*; with this difference betwixt the laws concerning publick right, policy, and civil government, and those which concern private right, that the laws which concern publick right, policy, and civil government, may be made the same throughout the whole united kingdom; but that no alteration be made in laws which concern private right, except for evident utility of the subjects within *Scotland*.

ARTICLE XIX.

Colleges of
justice.

7 Geo. s. c. 16.
L 4.

That the court of session, or college of justice, do after the union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union, subject nevertheless to such regulations for the better administration of justice, as shall be made by the parliament of *Great Britain*; and that hereafter none shall be named by her Majesty, or her royal successors, to be ordinary lords of session, but such who have served in the college of justice as advocates, or principal clerks of session for the space of five years; or as writers to the signet for the space of ten years; with this provision, That no writer to the signet be capable to be admitted a lord of the session, unless he undergo a private and publick trial on the civil law, before the faculty of advocates, and be found by them qualified for the said office; two years before he be named to be a lord of the session; yet so as the qualifications made, or to be made, for capacitating persons to be named ordinary lords of session, may be altered by the parliament of *Great Britain*. And that the court of judiciary do also after the union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union, subject nevertheless to such regulations as shall be made by the parliament of *Great Britain*, and without prejudice of other rights of judiciary; and that all admiralty jurisdictions be under the lord high admiral or commissioners for the admiralty of *Great Britain* for the time being; and that the court of admiralty now established in *Scotland* be continued, and that all reviews, reductions, or suspensions of the sentences in maritime cases, competent to the jurisdiction of that court, remain in the same manner after the union, as now in *Scotland*, until the parliament of *Great Britain* shall make such regulations and alterations, as shall be judged expedient for the whole united kingdom, so as there be always continued in *Scotland* a court of admiralty, such as in *England*, for determination of all maritime cases relating

Court of judiciary.

Admiralty jurisdictions.

' doing its private right in *Scotland*, competent to the jurisdiction of the admiralty court, subject nevertheless to such regulations and alterations, as shall be thought proper to be made by the parliament of *Great Britain*; and that the heretable rights of admiralty and vice-admiralties in *Scotland* be reserved to the respective proprietors as rights of property, subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations, as shall be thought proper to be made by the parliament of *Great Britain*; and that all other courts now in being within the kingdoms of *Scotland* do remain, but subject to alterations by the parliament of *Great Britain*; and that all inferior courts within the said limits do remain subordinate, as they are now, to the supreme courts of justice within the same, in all time coming; and that no causes in *Scotland* be cognoscible by the courts of *Chancery*, *Queen's Bench*, *Common Pleas*, or any other court in *Windsor Hall*; and that the said courts, or any other of the like nature, after the union, shall have no power to cognosce, review, or alter the acts or sentences of the judicatures within *Scotland*, or stop the execution of the same; and that there be a court of *Exchequer* in *Scotland* after the union, for deciding questions concerning the revenues of customs and excises, those having the same power and authority in such cases, as the court of *Exchequer* has in *England*; and that the said court of *Exchequer* in *Scotland* have power of passing signatures, gifts, testaments, and in other things, as the court of *Exchequer* at present in *Scotland* hath; and that the court of *Exchequer* that now is in *Scotland* do remain, until a new court of *Exchequer* be settled by the parliament of *Great Britain* in *Scotland* after the union; and that after the union, the *Queen's* majesty, and her royal successors, may continue a privy council in *Scotland*, for preserving of publick peace and order, until the parliament of *Great Britain* shall think fit to alter it, or establish any other effectual method for that end.

Other courts.

Court of Exchequer established for ever, by 6 Ann. c. 26. l. 1.

Privy council.

ARTICLE XX.

' That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of *Scotland*, notwithstanding this treaty.

Heretable offices.

ARTICLE XXI.

' That the rights and privileges of the royal burghs in *Scotland*, as they now are, do remain entire after the union, and notwithstanding thereof.

Royal burghs.

ARTICLE XXII.

' That by virtue of this treaty, of the peers of *Scotland*, at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty five the number of the

Sixteen peers of *Scotland* to sit in the house of lords.

representatives of *Scotland* in the house of commons of the parliament of *Great Britain*; and that when her Majesty, her heirs or successors, shall declare her or their pleasure for holding the first or any subsequent parliament of *Great Britain*, until the parliament of *Great Britain* shall make further provisions therein, a writ do issue under the great seal of the united kingdom, directed to the privy council of *Scotland*, commanding them to cause sixteen peers, who are to sit in the house of lords, to be summoned to parliament, and forty five members to be elected to sit in the house of commons of the parliament of *Great Britain*, according to the agreement of this treaty, in such manner as by an act of this present session of the parliament of *Scotland* is or shall be settled; which act is hereby declared to be as valid as if it were a part of, and ingrossed in this treaty. And that the names of the persons so summoned and elected shall be returned by the privy council of *Scotland* into the court from whence the said writ did issue. And that if her Majesty, on or before the first day of *May* next, on which day the union is to take place, shall declare under the great seal of *England*, That it is expedient that the lords of parliament of *England*, and commons of the present parliament of *England*, should be the members of the respective houses of the first parliament of *Great Britain*, for and on the part of *England*, then the said lords of parliament of *England*, and commons of the present parliament of *England*, shall be the members of the respective houses of the first parliament of *Great Britain*, for and on the part of *England*: and her Majesty may by her royal proclamation, under the great seal of *Great Britain*, appoint the said first parliament of *Great Britain* to meet at such time and place as her Majesty shall think fit; which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great seal of *Great Britain*, directed to the privy council of *Scotland*, for the summoning the sixteen peers, and for electing forty five members, by whom *Scotland* is to be represented in the parliament of *Great Britain*. And the lords of parliament of *England*, and the sixteen peers of *Scotland*, such sixteen peers being summoned and returned in the manner agreed in this treaty, and the members of the house of commons of the said parliament of *England*, and the forty five members for *Scotland*, such forty five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively, in the respective houses of the parliament of *Great Britain*, at such time and place as shall be so appointed by her Majesty, and shall be the two houses of the first parliament of *Great Britain*; and that parliament may continue for such time only, as the present parliament of *England* might have continued if the union of the two kingdoms had not been made, unless sooner dissolved by her Majesty. And that every one of the lords of parliament of *Great Britain*,

Forty five members to sit in the house of commons.

Further provisions relating hereto.

6 ANN. E. 3.

First parliament of Great Britain.

Britain, and every member of the house of commons of the parliament of Great Britain, in the first and all succeeding parliaments of Great Britain, until the parliament of Great Britain shall otherwise direct, shall take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy, by an act of parliament made in England in the first year of the reign of the late King William and Queen Mary; intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, and make, subscribe, and audibly repeat the declaration mentioned in an act of parliament made in England in the thirtieth year of the reign of King Charles the Second, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*; and shall take and subscribe the oath mentioned in an act of parliament made in England, in the first year of her Majesty's reign, intituled, *An act to declare the alterations in the oath appointed to be taken by the* 1 W. & M. 1. c. 8. *act*, intituled, *An act for the further security of his Majesty's person; and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined*; at such time, and in such manner as the members of both houses of parliament of England are by the said respective acts directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, That these words, *This realm, The crown of this realm, and The Queen of this realm*, mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great Britain; and that in that sense the said oaths and declaration be taken and subscribed by the members of both houses of the parliament of Great Britain. 30 Car. 2. stat. 2. c. 1. 1 Annæ, stat. 1. c. 22. Members to take the oaths, &c.

ARTICLE XXIII.

That the aforesaid sixteen peers of Scotland mentioned in the last preceding article, to sit in the house of lords of the parliament of Great Britain, shall have all privileges of parliament, which the peers of England now have, and which they, or any peers of Great Britain shall have after the union, and particularly the right of sitting upon the trials of peers: and in case of the trial of any peer, in time of adjournment, or prorogation of parliament, the said sixteen peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other peers of Great Britain. And that in case any trials of peers shall hereafter happen, when there is no parliament in being, the sixteen peers of Scotland, who sat in the last preceding parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other peers of Great Britain; and that all peers of Scotland, and their successors to their honours

and of all the
peers of Scot-
land.

nours and dignities, shall from and after the union, be peers of *Great Britain*, and have rank and precedency next and immediately after the peers of the like orders and degrees in *England* at the time of the union, and before all peers of *Great Britain* of the like orders and degrees, who may be created after the union, and shall be tried as peers of *Great Britain*, and shall enjoy all privileges of peers, as fully as the peers of *England* do now, or as they, or any other peers of *Great Britain* may hereafter enjoy the same, except the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of peers.

ARTICLE XXIV.

One great seal.

That from and after the union, there be one great seal for the united kingdoms of *Great Britain*, which shall be different from the great seal now used in either kingdom: and that the quartering the arms, and the rank and precedency of the Lyon King of arms of the kingdom of *Scotland*, as may best suit the union, be left to her Majesty: and that in the mean time, the great seal of *England* be used as the great seal of the united kingdom, and that the great seal of the united kingdom be used for sealing writs to elect and summon the parliament of *Great Britain*, and for sealing all treaties with foreign princes and states, and all publick acts, instruments and orders of state, which concern the whole united kingdom, and in all other matters relating to *England*, as the great seal of *England* is now used: and that a seal in *Scotland* after the union be always kept and made use of in all things relating to private rights or grants, which have usually passed the great seal of *Scotland*, and which only concern offices, grants, commissions; and private rights within that kingdom; and that until such seal shall be appointed by her Majesty, the present great seal of *Scotland* shall be used for such purposes; and that the privy seal, signet, casset, signet of the judiciary court, quarter seal, and seals of courts now used in *Scotland* be continued; but that the said seals be altered and adapted to the state of the union, as her Majesty shall think fit; and the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the parliament of *Great Britain* shall hereafter make: And that the crown, scepter, and sword of state, the records of parliament, and all other records, rolls and registers whatsoever, both publick and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the united kingdom now called *Scotland*; and that they shall so remain in all time coming, notwithstanding the union.

Seal in Scot-
land.

Privy seal,
&c. conti-
nued.

Regalia, re-
cords of par-
liaments, &c.

ARTICLE XXV.

Laws incon-
sistent, void.

That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with the terms of these articles, or any of them, shall, from and after the union, cease and become

‘ become void, and shall be so declared to be, by the respective
‘ parliaments of the said kingdoms.’

*As by the said articles of union, ratified and approved by the said
act of parliament of Scotland, relation being thereunto had, may ap-
pear. And the tenor of the aforesaid act for securing the protestant
religion and presbyterian church government within the kingdom of
Scotland, is as follows :*

II. ‘ OUR sovereign Lady, and the estates of parliament, A^ct for secur-
‘ considering that by the late act of parliament, for a ing the pro-
‘ treaty with *England* for an union of both kingdoms, it is protestant reli-
‘ vided, That the commissioners for that treaty should not treat gion, and
‘ of or concerning any alteration of the worship, discipline, and presbyterian
‘ government of the church of this kingdom as now by law estab church go-
‘ blished : which treaty being now reported to the parliament, vernment in
‘ and it being reasonable and necessary that the true protestant Scotland.
‘ religion, as presently professed within this kingdom, with the
‘ worship, discipline, and government of this church, should
‘ be effectually and unalterably secured : therefore her Majesty,
‘ with advice and consent of the said estates of parliament, doth
‘ hereby establish and confirm the said true protestant religion,
‘ and the worship, discipline, and government of this church,
‘ to continue without any alteration to the people of this land
‘ in all succeeding generations ; and more especially her Ma-
‘ jesty, with advice and consent aforesaid, ratifies, approves,
‘ and for ever confirms the fifth act of the first parliament of
‘ King *William* and Queen *Mary*, intituled, *Act ratifying the
‘ confession of faith, and settling presbyterian church government ;*
‘ with all other acts of parliament relating thereto, in profes-
‘ tion of the declaration of the estates of this kingdom, con-
‘ taining the claim of right, bearing date the eleventh of *April*,
‘ one thousand six hundred and eighty nine : and her Majesty,
‘ with advice and consent aforesaid, expressly provides and de-
‘ clares, That the foresaid true protestant religion, contained
‘ in the above mentioned confession of faith, with the form and
‘ purity of worship presently in use within this church, and its
‘ presbyterian church government and discipline (that is to say)
‘ the government of the church by kirk sessions, presbyteries,
‘ provincial synods, and general assemblies, all established by
‘ the foresaid acts of parliament, pursuant to the claim of right,
‘ shall remain and continue unalterable, and that the said presby-
‘ terian government shall be the only government of the church
‘ within the kingdom of *Scotland*.’

III. ‘ And further, for the greater security of the foresaid
‘ protestant religion, and of the worship, discipline, and govern-
‘ ment of this church, as above established, her Majesty, with
‘ advice and consent aforesaid, statutes and ordains, That the
‘ universities and colleges of *Saint Andrews, Glasgow, Aberdeen,*
‘ and *Edinburgh*, as now established by law, shall continue with-
‘ in this kingdom for ever ; and that in all time coming, no

Universities
and colleges
to continue.

‘ professors, principals, regents, masters, or others, bearing
 ‘ office in any university, college, or school within this king-
 ‘ dom, be capable to be admitted, or allowed to continue in the
 ‘ exercise of their said functions, but such as shall own and ac-
 ‘ knowledge the civil government in manner prescribed or to be
 ‘ prescribed by the acts of parliament; as also, that before, or
 ‘ at their admissions, they do and shall acknowledge and pro-
 ‘ fess, and shall subscribe to the foresaid confession of faith, as
 ‘ the confession of their faith, and that they will practise and
 ‘ conform themselves to the worship presently in use in this
 ‘ church, and submit themselves to the government and dis-
 ‘ cipline thereof, and never endeavour directly or indirectly the
 ‘ prejudice or subversion of the same, and that before the re-
 ‘ spective presbyteries of their bounds, by whatsoever gift, pre-
 ‘ sentation or provision they may be thereto provided.

Subjects not
 liable to any
 oath incon-
 sistent with
 the said
 church go-
 vernment.

IV. ‘ And further, her Majesty, with advice aforesaid, ex-
 ‘ pressly declares, and statutes, That none of the subjects of this
 ‘ kingdom shall be liable to, but all and every one of them for
 ‘ ever free of any oath, test or subscription within this kingdom,
 ‘ contrary to, or inconsistent with the foresaid true protestant re-
 ‘ ligion, and presbyterian church government, worship, and
 ‘ discipline, as above established; and that the same within the
 ‘ bounds of this church and kingdom, shall never be imposed
 ‘ upon, or required of them, in any sort. And lastly, That
 ‘ after the decease of her present Majesty, (whom God long
 ‘ preserve) the sovereign succeeding to her in the royal govern-
 ‘ ment of the kingdom of *Great Britain*, shall in all time coming
 ‘ at his or her accession to the crown, swear and subscribe, that
 ‘ they shall inviolably maintain and preserve the foresaid settle-
 ‘ ment of the true protestant religion, with the government,
 ‘ worship, discipline, right, and privileges of this church, as
 ‘ above established by the laws of this kingdom in prosecution
 ‘ of the claim of right.’

Queen’s suc-
 cessors to
 maintain the
 same.

V. ‘ And it is hereby statute and ordained, That this act of
 ‘ parliament, with the establishment therein contained, shall be
 ‘ held and observed in all time coming, as a fundamental and
 ‘ essential condition of any treaty or union to be concluded be-
 ‘ twixt the two kingdoms, without any alteration thereof, or
 ‘ derogation thereto in any sort for ever: as also, That this act
 ‘ of parliament, and settlement therein contain’d, shall be in-
 ‘ sert and repeated in any act of parliament that shall pass for
 ‘ agreeing and concluding the foresaid treaty or union betwixt
 ‘ the two kingdoms; and that the same shall be therein expressly
 ‘ declared to be a fundamental and essential condition of the said
 ‘ treaty or union in all time coming: which articles of union,
 ‘ and act immediately above-written, her Majesty, with advice
 ‘ and consent aforesaid, statutes, enacts, and ordains to be
 ‘ and continue, in all time coming, the sure and perpetual
 ‘ foundation of a compleat and entire union of the two king-
 ‘ doms of *Scotland* and *England*, under the express condition and
 ‘ provision, that this approbation and ratification of the fore-
 ‘ said

Act to be for
 ever observ’d
 as an essential
 part of any
 treaty, &c.
 between the
 kingdoms.

' said articles and act shall be no ways binding on this kingdom,
 ' until the said articles and act be ratified, approved, and con-
 ' firmed by her Majesty; with and by the authority of the par-
 ' liament of *England*, as they are now agreed to, approved and
 ' confirmed by her Majesty, with and by the authority of the Parliament of
 ' parliament of *Scotland*; declaring nevertheless, that the par-
 ' liament of *England* may provide for the security of the church
 ' of *England* as they think expedient, to take place within the
 ' bounds of the said kingdom of *England*, and not derogating
 ' from the security above provided for establishing of the church
 ' of *Scotland* within the bounds of this kingdom; as also the
 ' said parliament of *England* may extend the additions and other
 ' provisions contained in the articles of union, as above insert,
 ' in favours of the subjects of *Scotland*, to and in favours of the
 ' subjects of *England*; which shall not suspend or derogate from
 ' the force and effect of this present ratification, but shall be
 ' understood as herein included, without the necessity of any
 ' new ratification in the parliament of *Scotland*.'

Parliament of
 England may
 provide for se-
 curity of
 church of
 England, &c.

VI. ' And lastly, her Majesty enacts and declares, That all
 ' laws and statutes in this kingdom, so far as they are contrary
 ' to, or inconsistent with, the terms of these articles, as above-
 ' mentioned, shall from and after the union cease and become
 ' void.'

All laws, &c,
 inconsistent
 with articles
 of union, to
 cease.

VII. ' And whereas an act hath passed in this present session
 ' of parliament, intituled, *An act for securing the church of Eng-
 ' land as by law established*; the tenor whereof follows:

WHEREAS by an act made in the session of parliament
 held in the third and fourth year of her Majesty's
 reign, whereby her Majesty was impowered to appoint com-
 missioners, under the great seal of *England*, to treat with com-
 missioners to be authorized by the parliament of *Scotland*,
 concerning an union of the kingdoms of *England* and *Scotland*,
 it is provided and enacted, That the commissioners to be
 named in pursuance of the said act should not treat of or con-
 cerning any alteration of the liturgy, rites, ceremonies, dis-
 cipline, or government of the church as by law established
 within this realm: and whereas certain commissioners ap-
 pointed by her Majesty in pursuance of the said act, and also
 other commissioners nominated by her Majesty by the autho-
 rity of the parliament of *Scotland*, have met and agreed upon
 a treaty of union of the said kingdoms; which treaty is now
 under the consideration of this present parliament: and where-
 as the said treaty (with some alterations therein made) is rati-
 fied and approved by act of parliament in *Scotland*; and the
 said act of ratification is, by her Majesty's royal command,
 laid before the parliament of this kingdom: and whereas it
 is reasonable and necessary, that the true protestant religion
 professed and established by law in the church of *England*, and
 the doctrine, worship, discipline, and government thereof,
 should be effectually and unalterably secured; be it enacted by

Act for secur-
 ing the church
 of *England*,
 recited.

13 Eliz. c. 12. ' the Queen's most excellent majesty, by and with the advice
 ' and consent of the lords spiritual and temporal, and the com-
 ' mons, in this present parliament assembled, and by au-
 ' thority of the same, That an act made in the thirteenth year
 ' of the reign of Queen *Elizabeth*, of famous memory, intituled,
 ' *An act for the ministers of the church to be of sound religion*; and
 ' also another act made in the thirteenth year of the reign of
 ' the late King *Charles* the Second, intituled, *An act for the uni-*
 ' *formity of the publick prayers and administration of sacraments;*
 ' *and other rites and ceremonies, and for establishing the form of*
 ' *making, ordaining, and consecrating bishops, priests, and deacons in*
 ' *the church of England* (other than such clauses in the said acts,
 ' or either of them, as have been repealed or altered by any
 ' subsequent act or acts of parliament) and all and singular other
 ' acts of parliament now in force for the establishment and pre-
 ' servation of the church of *England*, and the doctrine, worship,
 ' discipline, and government thereof, shall remain and be in
 ' full force for ever.'

Queen's suc-
 cessors to take
 an oath, to
 maintain the
 church of
 England.

VIII. ' And be it further enacted by the authority aforesaid,
 ' That after the demise of her Majesty (whom God long pre-
 ' serve) the sovereign next succeeding to her Majesty in the
 ' royal government of the kingdom of *Great Britain*, and so for
 ' ever hereafter, every King or Queen succeeding and coming
 ' to the royal government of the kingdom of *Great Britain*, at
 ' his or her coronation, shall in the presence of all persons who
 ' shall be attending, assisting, or otherwise then and there pre-
 ' sent, take and subscribe an oath to maintain and preserve in-
 ' violably the said settlement of the church of *England*, and the
 ' doctrine, worship, discipline, and government thereof, as by
 ' law established within the kingdoms of *England* and *Ireland*,
 ' the dominion of *Wales*, and town of *Berwick* upon *Tweed*, and
 ' the territories thereunto belonging.'

Act to be an
 essential part
 of any treaty,
 &c.

IX. ' And be it further enacted by the authority aforesaid,
 ' That this act, and all and every the matters and things there-
 ' in contained, be, and shall for ever be holden and adjudged
 ' to be a fundamental and essential part of any treaty of union
 ' to be concluded between the said two kingdoms; and also that
 ' this act shall be inserted in exprefs terms in any act of par-
 ' liament which shall be made for settling and ratifying any such
 ' treaty of union, and shall be therein declared to be an essen-
 ' tial and fundamental part thereof.'

Articles of
 union, and
 the act for
 establishing
 presbyterian
 church gov-
 ernment, &c.
 ratified and
 confirmed.

X. May it therefore please your most excellent Majesty, that
 it may be enacted; and be it enacted by the Queen's most ex-
 cellent majesty, by and with the advice and consent of the lords
 spiritual and temporal, and commons, in this present parlia-
 ment assembled, and by the authority of the same, That all
 and every the said articles of union as ratified and approved by
 the said act of parliament of *Scotland*, as aforesaid, and herein
 before particularly mentioned and inserted; and also the said
 act of parliament of *Scotland* for establishing the protestant reli-
 gion

gion and presbyterian church government within that kingdom, intituled, *An act for securing the protestant religion, and presbyterian church government*, and every clause, matter, and thing in the said articles and act contained, shall be, and the said articles and act are hereby for ever ratified, approved, and confirmed.

XI. And it is hereby further enacted by the authority aforesaid, That the said act passed in this present session of parliament, intituled, *An act for securing the church of England, as by law established*, and all and every the matters and things therein contained, and also the said act of parliament of Scotland, intituled, *An act for securing the protestant religion, and presbyterian church government*, with the establishment in the said act contained, be and shall for ever be held and adjudged to be, and observed as fundamental and essential conditions of the said union; and shall in all times coming be taken to be, and are hereby declared to be essential and fundamental parts of the said articles and union; and the said articles of union so as aforesaid ratified, approved and confirmed by act of parliament of Scotland, and by this present act, and the said act passed in this present session of parliament, intituled, *An act for securing the church of England as by law established*, and also the said act passed in the parliament of Scotland, intituled, *An act for securing the protestant religion, and presbyterian church government*, are hereby enacted and ordained to be and continue in all times coming the compleat and entire union of the two kingdoms of England and Scotland.

XII. And whereas since the passing the said act in the parliament of Scotland, for ratifying the said articles of union, one other act, intituled, *An act settling the manner of electing the sixteen peers, and forty five members, to represent Scotland in the parliament of Great Britain, both likewise passed in the said parliament of Scotland at Edinburgh, the fifth day of February, one thousand seven hundred and seven, the tenor whereof follows* :

OUR sovereign Lady considering, That by the twenty second article of the treaty of union, as the same is ratified by an act passed in this session of parliament, upon the sixteenth of January last, it is provided, That by virtue of the said treaty, of the peers of Scotland, at the time of the union, sixteen shall be of the number to sit and vote in the house of lords, and forty five the number of the representatives of Scotland in the house of commons of the parliament of Great Britain; and that the said sixteen peers, and forty five members in the house of commons, be named and chosen in such manner as by a subsequent act in this present session of parliament in Scotland, should be settled; which act is thereby declared to be as valid, as if it were a part of, and ingrossed in the said treaty: therefore her Majesty, with the advice and consent of the estates of parliament, statutes, enacts, and ordains, That the said sixteen peers, who shall have right to sit in the house of peers in the parliament of Great Britain,

5 ANNÆ, c. 5.
Acta for settling the church government in England and Scotland, &c. declared essential parts of the union.

5 ANNÆ, c. 5.

Act settling the manner of electing the representatives of Scotland.

Tenor of the act.

How the sixteen peers shall be elected.

on the part of *Scotland*, by virtue of this treaty, shall be named
 by the said peers of *Scotland*, whom they represent, their heirs
 or successors to their dignities and honours, out of their own
 number, and that by open election and plurality of voices of
 the peers present, and of the proxies for such as shall be ab-
 sent, the said proxies being peers, and producing a mandate
 in writing duly signed before witnesses, and both the consti-
 tuent and proxy being qualified according to law; declaring
 also, That such peers as are absent, being qualified as afore-
 said, may send to all such meetings lists of the peers whom
 they judge fittest, validly signed by the said absent peers, which
 shall be reckoned in the same manner as if the parties had
 been present, and given in the said list; and in case of the
 death, or legal incapacity of any of the said sixteen peers, that
 the aforesaid peers of *Scotland* shall nominate another of their own
 number, in place of the said peer or peers, in manner before
 and after mentioned: and that of the said forty five repre-
 sentatives of *Scotland* in the house of commons in the parlia-
 ment of *Great Britain*, thirty shall be chosen by the shires or
 steuartries, and fifteen by the royal burrows, as follows, *viz.*
 one for every shire and steuartry, excepting the shires of *Bute*
 and *Cathness*, which shall choose one by turns, *Bute* having
 the first election; the shires of *Nairn* and *Cromarty*, which
 shall also choose by turns, *Nairn* having the first election; and
 in like manner the shires of *Clackmanan* and *Kinross* shall choose
 by turns, *Clackmanan* having the first election; and in case of
 the death or legal incapacity of any of the said members from
 the respective shires or steuartries above-mentioned, to sit
 in the house of commons, it is enacted and ordained, That
 the shire or steuartry, who elected the said member, shall elect
 another member in his place; and that the said fifteen repre-
 sentatives for the royal burrows be chosen as follows, *viz.*
 That the town of *Edinburgh* shall have right to elect and send
 one member to the parliament of *Great Britain*; and that each
 of the other burghs shall elect a commissioner in the same
 manner as they are now in use to elect commissioners to the
 parliament of *Scotland*, which commissioners and burghs (*Edin-
 burgh* excepted) being divided in fourteen classes or districts,
 shall meet at such time and burghs within their respective dis-
 tricts, as her Majesty, her heirs or successors shall appoint,
 and elect one for each district, *viz.* The burghs of *Kirkwall*,
Week, *Dornock*, *Dingwall*, and *Taine*, one; the burghs of
Forrose, *Inverness*, *Nairn*, and *Forress*, one; the burghs of
Elgin, *Cullen*, *Banff*, *Inverury*, and *Kintore*, one; the burghs
 of *Aberdeen*, *Inverberuy*, *Montrose*, *Aberbrothock*, and *Bruchine*,
 one; the burghs of *Forfar*, *Perth*, *Dundee*, *Coupar*, and *St.
 Andrews*, one; the burghs of *Craill*, *Kitrennie*, *Anstruther
 Easter*, *Anstruther Wester*, and *Pittenweem*, one; the burghs
 of *Dysart*, *Kirkaldie*, *Kingbern*, and *Bruntisland*, one; the
 burghs of *Inverkeithen*, *Dumfermline*, *Queensferry*, *Cutross*, and
Sterling, one; the burghs of *Glasgow*, *Renfrew*, *Ruglen*; and

And also the
 forty five re-
 presentatives.

Dumbarton, one; the burghs of *Haddington, Dunbar, North
 Berwick, Lauder, and Jedburgh, one*; the burghs of *Selkirk,
 Peebles, Linlithgow, and Lanerk, one*; the burghs of *Dumfries,
 Sanquhar, Annan, Lockmaben, and Kirkeudbright, one*; the
 burghs of *Wigtoun, New Galloway, Stranraer, and White-
 born, one*; and the burghs of *Air, Irvin, Rothsay, Cambeltoun,
 and Inverary, one*: and it is hereby declared and ordained,
 That where the votes of the commissioners for the said burghs,
 met to choose representatives from their several districts to the
 parliament of *Great Britain*, shall be equal, in that case the
 president of the meeting shall have a casting or decisive vote,
 and that by and according to his vote as a commissioner from
 the burgh from which he is sent; the commissioner from the
 eldest burgh presiding in the first meeting, and the commis-
 sioners from the other burghs in their respective districts pre-
 siding afterwards by turns, in the order as the said burghs are
 now called in the rolls of the parliament of *Scotland*; and that
 in case any of the said fifteen commissioners from burghs shall
 decease or become legally incapable to sit in the house of com-
 mons, then the town of *Edinburgh*, or the district which chose
 the said member, shall elect a member in his or their place:
 it is always hereby expressly provided and declared, That none
 shall be capable to elect or be elected for any of the said estates,
 but such as are twenty one years of age compleat, and pro-
 testant, excluding all papists, or such who being suspect of
 popery, and required, refuse to swear and subscribe the *For-
 mula* contained in the third act made in the eighth and ninth
 sessions of King *William's* parliament, intituled, *An act for
 preventing the growth of popery*; and also declaring, that none
 shall be capable to elect, or be elected, to represent a shire or
 burgh in the parliament of *Great Britain*, for this part of the
 united kingdom, except such as are now capable by the laws of
 this kingdom, to elect, or be elected as commissioners for
 shires or burghs to the parliament of *Scotland*: and further,
 her Majesty, with advice and consent aforesaid, for the effec-
 tual and orderly election of the persons to be chosen to sit,
 vote, and serve in the respective houses of the parliament of
Great Britain; when her Majesty, her heirs and successors,
 shall declare her or their pleasure for holding the first or any
 subsequent parliament of *Great Britain*, and when for that ef-
 fect a writ shall be issued out under the great seal of the united
 kingdom, directed to the privy council of *Scotland*, conform
 to the said twenty second article, statutes, enacts, and ordains,
 That until the parliament of *Great Britain* shall make further
 provision therein, the said writ shall contain a warrant and
 command to the said privy council, to issue out a proclama-
 tion in her Majesty's name, requiring the peers of *Scotland*,
 for the time, to meet and assemble at such time and place
 within *Scotland*, as her Majesty and royal successors shall think
 fit, to make election of the said sixteen peers, and requiring the
 lord clerk register, or two of the clerks of session, to attend all
 such

16 Geo. 2. c. 11.

such meetings, and to administer the oaths that are or shall be by law required, and to ask the votes; and having made up the list in the presence of the meeting, to return the names of the sixteen peers chosen (certified under the subscription of the said lord clerk register, clerk or clerks of session attending) to the clerk of the privy council of *Scotland*, and in like manner requiring and ordaining the several freeholders in the respective shires and stewartries, to meet and convene at the head burghs of their several shires and stewartries, to elect their commissioners, to conform to the order above set down, and ordaining the clerks of the said meetings immediately after the said elections are over, respectively to return the names of the persons elected to the clerks of the privy council: and lastly, ordaining the city of *Edinburgh* to elect their commissioner, and the other royal burrows to elect each of them a commissioner, as they have been in use to elect commissioners to the parliament, and to send the said respective commissioners at such times, to such burghs, within their respective districts, as her Majesty and successors by such proclamation shall appoint; requiring and ordaining the common clerk of the respective burghs, where such election shall be appointed to be made, to attend the said meetings, and immediately after the election to return the name of the person so elected (certified under his hand) to the clerk of privy council, to the end that the names of the sixteen peers, thirty commissioners for shires, and fifteen commissioners for burghs, being so returned to the privy council, may be returned to the court from whence the writ did issue under the great seal of the united kingdom, conform to the said twenty second article: and whereas by the said twenty second article it is agreed, That if her Majesty shall on or before the first day of *May* next declare, that it is expedient the lords and commons of the present parliament of *England*, should be the members of the respective houses of the first parliament of *Great Britain*, for and on the part of *England*, they shall accordingly be the members of the said respective houses, for and on the part of *England*; her Majesty, with advice and consent aforesaid, in that case only, doth hereby statute and ordain, That the sixteen peers, and forty five commissioners for shires and burghs, who shall be chosen by the peers, barons, and burghs respectively, in this present session of parliament, and out of the members thereof, in the same manner as committees of parliament are usually now chosen, shall be the members of the respective houses of the said first parliament of *Great Britain*, for and on the part of *Scotland*. Which nomination and election being certified by a writ under the lord clerk register's hand, the persons so nominated and elected shall have right to sit and vote in the house of lords, and in the house of commons, of the said first parliament of *Great Britain*.

XIII. *As by the said act passed in Scotland, for settling the manner of electing the sixteen peers, and forty five members, to represent Scotland in the parliament of Great Britain, may appear; be it therefore further enacted and declared by the authority aforesaid, That the said last-mentioned act passed in Scotland for settling the manner of electing the sixteen peers, and forty five members, to represent Scotland in the parliament of Great Britain, as aforesaid, shall be, and the same is hereby declared to be as valid as if the same had been part of, and engrossed in the said articles of union ratified and approved by the said act of parliament of Scotland, and by this act, as aforesaid.*

Act aforesaid
declared valid.

C A P. IX.

An act for rendering more effectual an act passed in the first year of her Majesty's reign, intituled, An act for the better preventing escapes out of the Queen's Bench and Fleet Prisons.

WHEREAS the inheritance and custody of several county gaols are in private persons, by means whereof the good intent of a certain act made in the first year of her Majesty's reign, intituled, An act for the better preventing escapes out of the Queen's Bench and Fleet Prisons, may be in some counties defeated and eluded: to the end therefore that the said act may be rendered more effectual; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons, who from and after the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and seven, shall be seized or taken by virtue or authority of the said act, shall instead of being committed to the common gaol of the county wherein such person or persons shall be taken, be conveyed and committed to the prison or place where the sheriff of such county detains or keeps the debtors or prisoners for debt or damage, there to remain in the custody of the sheriff of such county, subject to the same rules and directions, and under the same restrictions, regulations, and penalties, and in such manner and form in all and every respect, as if the said person or persons had been committed to the common gaol of the county; and if any person or persons so taken and committed, as aforesaid, shall at any time make any escape out of the said prison or place to which he, she, or they be so committed, as aforesaid, the sheriff in whose custody he, she, or they was or were, shall be answerable for such escape to the party grieved, in like manner as in the case of any other escape.

1 Annæ, stat. 2.
c. 6.

Persons taken by virtue of 1 Annæ, c. 6. to be committed to prison where sheriff keeps prisoners for debt, and remain in sheriff's custody.

Sheriff answerable for escape.

II. And to the intent that the benefit of the said former act may the more easily be had, in case the person or persons escaping shall be seen in places distant from the city of *London*; be it further enacted, That it shall and may be lawful to and for any one of the judges of the respective courts in the said former act mentioned, to grant like warrant and warrants, upon oath in writing

Escape warrant may be granted upon affidavit made in the country.

to be made before any person commissioned under the seal of the same court to take affidavits in the country, (the same oath being first duly filed) as by the said former act he is impowered to do upon like oath made before himself.

Persons may be apprehended by warrant on a Sunday.

III. And be it declared and enacted, That it is and shall be lawful to apprehend and take, upon the Lord's day, any person or persons by virtue of any warrant or warrants granted in pursuance of this or of the said former act.

Persons in custody of sheriff on a decree, and making his escape, sheriff liable to pay, &c.

IV. And be it further enacted by the authority aforesaid, That if any person or persons is, are or shall be in custody of any sheriff or other officer, either by virtue of the said act, or of this present act, or otherwise, for not performing any decree of the high court of *Chancery*, or court of *Exchequer*, whereby any sum or sums of money is ordered or decreed to be paid, and shall afterwards make any escape from the said sheriff or other officer, that then and in such case the person and persons, their executors or administrators, to whom the money was to be paid by the said decree, shall have the same remedy against the said sheriff, as if such person or persons so escaping had been in custody upon an execution at law, and shall and may recover the several sum and sums of money decreed to be paid to him, her, or them in and by such decree, against such sheriff or other officer, together with his, her, or their costs of suit, in any action or actions of debt, or upon the case to be brought or commenced against such sheriff or other officer in any of her Majesty's courts of record at *Westminster*, wherein no protection or wager of law shall be admitted, or any more than one imparlance; any law, usage, or custom to the contrary in any wise notwithstanding.

Act to be a general law.

V. And for the prevention of disputes touching this present act; be it enacted by the authority aforesaid, That the same and every clause and thing therein contained, shall be adjudged and taken to be a general law, and that it shall not be needful to set forth the same in pleading, or any part thereof.

CAP. X.

EXP.

An act for repairing the highway between Heckliffe and Woborne in the county of Bedford.

CAP. XI.

15 Car. 2. c. 1.

26 & 17 Car. 2. c. 10.

4 & 5 W. & M. c. 9.

6 Geo. 1. c. 28.

An act for continuing the acts formerly made for repairing of the highways in the county of Hertford.

For repair of the highways in the county of Hertford. Moiety of the toll taken at Wades Mill, continued for 15 years. If highways be before sufficiently repaired, toll to cease. Power of officers, &c. in the former acts continued. *Repealed as to the county of Hertford, by 6 Geo. 2. c. 24.*

CAP. XII.

An act for the enlarging the passage leading to New Palace Yard through the Gatehouse, Westminster. EXP.

CAP. XIII.

An act for continuing the duties upon houses to secure a yearly fund for circulating Exchequer bills, whereby a sum not exceeding fifteen hundred thousand pounds is intended to be raised for carrying on the war and other her Majesty's occasions.

1 Ann. stat. 1.

c. 13.

9 & 10 W. 3.

c. 44.

Duties

Duties on houses granted by 7 & 8 W. 3. c. 13. &c. continued for ever, Subject to redemption. Former powers revived. Farther provisions relating hereto, 7 Ann. c. 7. Duties after last July, 1710. appropriated for a yearly fund for circulating Exchequer bills. Exchequer bills to be taken forth for any sum not exceeding 1500000l. Bills so issued to be made for taxes, &c. Bank to have 4l. 10 s. per cent. for circulating Exchequer bills, in proportion as the same shall be issued, &c. Lord treasurer, &c. on the four quarterly feast days of the year, from the first issuing of the bills until Michaelmas, 1710. to compute the sum due to bank on every such feast day; &c. and make out new bills, &c. Officers, &c. to be appointed for managing and levying the duties. Account of monies to be kept in auditor's office. Allowance to be paid at the Exchequer weekly. Penalty on officer misapplying monies, &c. Surplus of duties, &c. disposable to publick use. Bank to exchange Exchequer bills for ready money, with interest due, and remain a corporation until bills be cancell'd. Bank refusing to pay bill, person demanding may bring his action. No interest to run after bill is paid into Exchequer, &c. Interest bills paid to collector of taxes, &c. to be sign'd, and day of the month wrote when paid, &c. On one year's notice, and payment of the principal and interest, bills to be cancell'd, and the fund to cease, &c. Forging or counterfeiting bill, &c. felony. Bank to have one part of the cheques of all such bills. Governor, &c. may call in any sums necessary for circulating bills. Member neglecting to pay his share, dividend to be stopt. Fund not liable to foreign attachment. Exempt from taxes, and to be deemed a personal estate, and go to executors. Until bills be cancell'd no other Exchequer bills to be issued. Not to hinder redemption of original fund of 100,000l. per annum granted to bank, Lottery tickets, Exchequer bills, &c. burnt or lost before 6 February, 1706. Officers, &c. on certificate and affidavit, &c. to make forth new ones. *Repealed, and other duties granted, by 10 Geo. 2. c. 3.*

CAP. XIV.

An act for the better preservation of the game.

WHEREAS several laws have been already enacted for the better preservation of the game, and by experience been found not sufficient to prevent destroying the game, by reason of the multitude of higlar and other chapmen, which give great encouragement to idle loose persons to neglect their lawful employments, to follow and destroy the game; for remedy whereof, and the more effectual preservation of the game, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every of the laws now in being for the better preservation of the game, shall continue, remain, and be in the same force, not hereby repealed or altered.

All laws for preservation of the game to continue in force, &c.

II. And be it further enacted by the authority aforesaid, That if any higlar, chapman, carrier, inn-keeper, victualler, or alehouse-keeper, shall from and after the first day of May, one thousand seven hundred and seven, have in his or their custody or possession any hare, pheasant, partridge, moor, heath-game, or grouse, or shall buy, sell, or offer to sell any hare, pheasant, partridge, moor, heath-game, or grouse, every such higlar, chapman, inn-keeper, victualler, alehouse-keeper, or carrier (unless such game in the hands of such carrier be sent up by person or persons qualified to kill the game) shall upon every such offence be carried before some justice of the peace for the county, riding,

Higlar, carrier, &c. not to have in his custody any hare, pheasant, partridge, &c. or buy or sell hare, &c. on penalty of

to be levied by
distress, &c.

city, or town corporate, or liberties where the said offence is committed; and upon view, or upon the oath of one or more credible witnesses, shall be convicted of the same, shall forfeit for every hare, pheasant, partridge, moor, heath-game, or grouse, the sum of five pounds, one half to the informer, and the other half to the poor of the parish where the offence was committed; the same to be levied by distress and sale of the offenders goods, by warrant under the hand and seal of the justice or justices of the peace before whom such offender or offenders shall be convicted, rendering the overplus (if any be) the charge of distraining being first deducted; and for want of distress, the offender or offenders be committed to the house of correction for the first offence, for the space of three months, without bail or main-prize, and for every such other offence, for the space of four months; provided, that such conviction be made within three months after such offence committed; and that if any *Certiorari* shall be allowed to remove any conviction made, or other proceedings of or concerning any matter or thing in this act, into any of the courts at *Westminster*, upon any pretence whatsoever, unless the party or parties, against whom such conviction shall be made, shall, before the allowance of such *Certiorari*, become bound to the person or persons prosecuting the same, in the sum of fifty pounds, with such sufficient securities as the justice or justices of the peace, before whom such offender shall be convicted, shall think fit, with condition to pay unto the prosecutors, within fourteen days after such conviction or *Procedendo* granted, their full costs and charges, to be ascertained upon their oaths; and that in default thereof, it shall be lawful for the said justice or justices, or others, to proceed for the due execution of such conviction, in such manner as if no such *Certiorari* had been awarded.

Encourage-
ment to de-
stroyers of the
game, to make
discoveries.

III. And for the better discovery of such higlar, chapman, carrier, inn-keeper, alehouse-keeper, and victualler, as shall offer to buy or sell any hare, pheasant, partridge, moor, heath-game, or grouse; be it further enacted by the authority aforesaid, That from and after the said first day of *May*, any person that shall destroy, sell, or buy any hare, pheasant, moor, heath-game, or grouse, and shall within three months make discovery of any higlar, chapman, carrier, inn-keeper, alehouse-keeper, or victualler, that hath bought or sold, or offered to buy or sell, or had in their possession any hare, pheasant, partridge, moor, heath-game, or grouse, so as any one shall be convicted of such offence, in manner as aforesaid, such discoverer to be discharged of the pains and penalties hereby enacted for killing or selling such game, as aforesaid, shall receive the same benefit or advantage as any other informer shall be entitled to, by virtue of this act, for such discovery and information.

Persons not
qualified to
keep grey-
hounds, &c.

IV. And be it enacted by the authority aforesaid, That if any person or persons, not qualified by the laws of this realm so to do, shall keep or use any grey hounds, setting dogs, hayes, lurchers, tunnels, or any other engines to kill and destroy the
game,

game, and shall be thereof convicted upon the oath of one or two credible witnesses, by the justice or justices of the peace where such offence is committed, as aforesaid, the person or persons so convicted, shall forfeit the sum of five pounds; one half to be paid to the informer, and the other half to the poor of the parish where the same was committed; the same to be levied by distress and sale of the offenders goods, by warrant under the hand and seal of such justice or justices, before whom such person or persons shall be convicted, as aforesaid; and for want of such distress, the offender or offenders shall be sent to the house of correction for the space of three months for the first offence, and for every such other offence, four months; and that it shall and may be lawful to and for any of her Majesty's justices of the peace, in their respective counties, ridings, cities, towns corporate, or liberty, and the lords and ladies of his, her, their, or any of their respective manors, within the said manors, to take away any such hare, pheasant, partridge, moor, heath-game, or grouse, or any other game, from any such higlar, chapman, inn-keeper, victualler, or carrier, or any other person or persons not qualified to kill the same, and shall be found in their custody or possession; and likewise to take away such dogs, nets, or other engines, which shall be in the power or custody of any person or persons not qualified by the laws to keep the same, to their own proper use, without being accountable to any person or persons for the same; and that it shall and may be lawful for any lord or lady of his or her respective lordship or manor, by writing under his or her hand and seal, to empower his or her game-keeper or game-keepers, upon his or her own lordship or manor, as aforesaid, to kill hare, pheasant, partridge, or any other game whatsoever; but if the said game-keeper shall, under colour or pretence of the said power and authority to kill or take the same for the use of such lord or lady, and afterwards sell and dispose thereof to any person or persons whatsoever, without the consent or knowledge of the lord or lady of such manor or manors that hath given such power or authority, in manner as aforesaid, and shall be thereof convicted upon the complaint of such lord or lady of any manor, and upon the oath of one or more credible witnesses, before any one or more of her Majesty's justices of the peace, as aforesaid, upon such conviction such game-keeper shall be committed to the house of correction for the space of three months, and there to be kept to hard labour. And this act shall remain and be in force for the space of three years, from the first day of *May*, one thousand seven hundred and seven, and from thence to the end of the next sessions of parliament, and no longer.

V. *And whereas the burning of heath, ling and brakes or fern upon the forest of Sherwood in the county of Nottingham, and in the parts thereunto adjacent, as it is frequently used by divers disorderly and dissolute persons, doth not only destroy the breed of game, but hath also very frequently been the occasion of burning, damaging, and destroying, of great quantities of wood, timber, and fences within the said*

and destroy the game, to forfeit si.

to be levied by distress and sale, &c.

Justices, or lords of manors, &c. may take away any hare, &c. from higlar, or person not qualified :

And also their dogs, nets, &c. by 3 Geo. 1. c. 1.

None shall be made game-keepers but persons qualified or the lords servants.

Penalty on game keeper, killing the game, and selling it without consent of lord of manor, &c.

This act made perpetual by 9 Ann. c. 25. as altered by that act.

No heath, ling, or brakes to be burnt in forest of Sherwood, without licence of owner, on penalty.

said forest, and places thereunto adjacent, to the great damage and prejudice of the owners thereof; be it further enacted by the authority aforesaid, That if any person or persons shall, at any time after the said first day of May, set fire to any ling, heath, or brakes growing upon any part of the said forest, or on any other waste, common, or land within the said county of Nottingham, or shall cut any ling, heath, or brakes, in order to be burnt to ashes upon the ground, or shall burn the same to ashes upon the ground, in any part of the said forest, or in any waste, common, or land, lying within the said county, without licence from the owner of the soil where such offence shall be committed, shall forfeit to the owner of the soil where such offence shall be committed, ten shillings, and all the ashes which shall be so burnt; and every person and persons who shall buy fern ashes of any such unlicensed person or persons within the said county, shall forfeit for every peck of such ashes, which shall be so bought, the sum of ten shillings; one moiety thereof to the poor of the parish where such offence shall be committed, and the other moiety thereof to such person or persons as shall give information of the said offence; and it shall be lawful for the keepers and officers of such parts of the said forest, and for the owners of the land or soil where any the said offences shall be committed, their servants and agents, to take away, for his and their own use, the scithes, rakes, and other instruments to be used for any the purposes aforesaid, of every person and persons whom they shall find so offending; and it shall be lawful for any one or more of her Majesty's justices of the peace, upon complaint made to him or them against any person or persons for any the said offences, to send forth his or their warrant or warrants to bring the person or persons so complained of before him or them; and if the person or persons so complained of, shall be convict of any of the said offences before such justice or justices, by the oath or oaths of one or more witnesses or witnesses, then and in such case the party so convict, shall immediately after such conviction, pay such penalties and forfeitures as are hereby before imposed for the said offences respectively, to such person and persons as the same penalties and forfeitures are hereby appointed to be paid; and in default thereof shall be committed by such justice or justices to the house of correction, there to be kept to hard labour for the space of one month, unless the said penalties and forfeitures shall be in the mean time paid.

None to buy fern ashes on penalty.

Judices to issue their warrants for offenders.

CAP. XV.

EXP.

An act for the better recruiting of her Majesty's land forces and the marines, for the year one thousand seven hundred and seven.

CAP. XVI.

EXP.

An act for continuing an act made in the third and fourth years of her Majesty's reign, intituled, *An act for punishing mutiny and desertion, and false musters, and for the better payment of the army and quarters.*

CAP. XVII.

An act to repeal all the laws prohibiting the importation of foreign lace made of thread.

WHEREAS it is by experience found, That an act passed in the parliament holden at Westminster, in the thirteenth and fourteenth years of the reign of his late majesty King Charles the Second, intituled, An act prohibiting the importation of foreign bone lace, cut work, embroidery, fringe, band strings, buttons, and needle work, as also divers other acts heretofore made, prohibiting or restraining the importation of foreign lace, or for rendering the laws more effectual for preventing the importation of foreign lace, have obstructed the exportation and vending or selling of the woollen manufactures of England in the Spanish Low Countries, and other places abroad: now for the remedy thereof, be it enacted, and it is hereby enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the aforesaid act of the thirteenth and fourteenth years of the reign of King Charles the Second, and also all and every other act and acts of parliament whatsoever which prohibit or restrain the importation, vending, or selling of foreign lace, be henceforth repealed so far forth as the said acts relate to foreign lace made of thread in the said Spanish Low Countries, or in any other place not within the dominions of the French King; and that the afore-mentioned acts, and every clause, matter, and thing in them contained, so far as they relate to such foreign lace made of thread (except as is before excepted) be and are hereby repealed and made void.

^{13 & 14 Car. 2. c. 13.}

All acts which prohibit the importation of foreign lace, repealed.

II. Provided nevertheless, That nothing in this act contained shall any ways extend, or be construed to extend to permit or allow of the importation of lace made in any the dominions of the French King, or in any of the lands, towns, or countries in the possession of the duke of Anjou, so long as they shall remain or continue in the possession of the said French King or duke respectively.

Not to extend to lace made in French King's, or duke of Anjou's dominions.

CAP. XVIII.

An act for inrollments of bargains and sales within the West Riding of the county of York, in the register office there lately provided, and for making the said register more effectual.

WHEREAS by an act of parliament made in the twenty seventh year of the reign of King Henry the Eighth, intituled, For inrollments of bargains and sales, it is enacted, That no manors, lands, tenements, or other hereditaments shall pass, alter, or change from one to another, whereby any estate of inheritance or freehold shall be made, or take effect in any person or persons, or any use thereof to be made, by reason only of any bargain and sale thereof, except the said bargain and sale be made by writing indented, sealed,

Further provisions relating hereto. 6 Annæ, c. 35. f. 34. 27 H. 8. c. 16.

and inrolled in one of the King's courts of record at Westminster, or else within the same county or counties where the same manors, lands, or tenements so bargained and sold lie or be, before the Custos Rotulorum, and two justices of the peace, and the clerk of the peace of the same county or counties, or two of them at the least, whereof the clerk of the peace to be one; which act hath been found by experience to be of little or no use within the West riding of the county of York, as to the inrollments of bargains and sales within the said West riding, for that the clerk of the peace thereof for the time being, who hath the keeping of the said inrollments within the said West riding, is not by the said act enjoined to give any security for the safe keeping, nor under any penalty for the negligent keeping of the said inrollments, nor is there by the said act any certain place appointed for keeping thereof: and whereas by an act of parliament made in the second year of her present Majesty's reign, intituled, An act for the publick registring of all deeds, conveyances, and wills, that shall be made of any honors, manors, lands, tenements, or hereditaments within the West riding of the county of York, after the nine and twentieth day of September, one thousand seven hundred and four; a publick office hath been erected and established at Wakefield within the said West riding, at the publick charge thereof, for registring and safe keeping of memorials of all deeds, conveyances, and wills within the said riding, and a publick register hath been chosen, who hath, according to the direction of the same act, given sufficient security for the due execution of the said office: for the rendering therefore the aforesaid act, made in the twenty seventh year of the reign of King Henry the Eighth, more effectual and beneficial to the inhabitants of the said West riding, as to all inrollments of bargains and sales within the said West riding; may it please your most excellent Majesty that it may be enacted, and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the four and twentieth day of June, in the year of our Lord one thousand seven hundred and seven, all bargains and sales of any manors, lands, tenements, and hereditaments, situate, lying, and being within the said West riding, which shall be inrolled before the said register, or his deputy for the time being, in the said publick office at Wakefield, shall be as good, effectual, and available, to all intents and purposes whatsoever, as if the same had been inrolled in one of the Queen's courts of record at Westminster, or before the Custos Rotulorum, and two justices of the peace, and the clerk of the peace of the said West riding, or two of them, according to the aforesaid act made in the twenty seventh year of the reign of King Henry the Eighth; and the said register, or his deputy, for the time being (together with one or more justice or justices of the peace of the said riding) shall have power to take and enter the acknowledgement of the bargainer, if but one, or of one of the bargainers, if more, in such bargains and sales; and shall well and sufficiently inroll, by ingrossing

2 & 3 ANNÆ,
C. 4.

Register office
at Wakefield.

From 24 June,
1707, all bargains and sales of lands, &c. in West Riding of York-shire, inroll'd in register's office at Wakefield, to be good in law, as if inroll'd at Westminster.

grossing in parchment rolls or parchment books, all such bargains and sales as shall for that purpose be acknowledged before him, as aforesaid; and shall endorse a certificate on such bargains and sales, of the times of inrolling thereof, and sign the same; and the rolls or books thereof shall safely keep in the said publick office, there to remain upon record amongst the memorials of deeds there registred.

II. And be it further enacted, That all deeds of bargain and sale so inrolled in the said publick or register office, as aforesaid, which shall appear to be so inrolled by an indorsement or certificate on the said deeds of bargain and sale signed by the said register, or his deputy, and that all copies of the inrollments thereof remaining on record in the said register office, shall be allowed in all courts where such bargains and sales, or copies shall be produced, to be as good and sufficient evidence as any bargains and sales inrolled in any of the courts at *Westminster*, and the copies of the inrollments thereof.

III. And be it further enacted, That every such inrollment of every such deed in the said register office, as aforesaid, shall be deemed and adjudged to be the entring of a memorial thereof, pursuant to the said act made in the second year of her present Majesty's reign, and shall have the same force and effect upon the estate therein mentioned, in relation to all subsequent deeds, conveyances, and wills, and to all other intents and purposes, as if a memorial of such inrolled deed had been entred in the said register office, pursuant to the said act.

IV. And be it further enacted by the authority aforesaid, That no judgment, statute, or recognizance (other than such as shall be entred into in the name, and upon the proper account of her Majesty, her heirs, and successors) which shall be obtained, or entred into, after the said four and twentieth day of *June*, in the said year of our Lord one thousand seven hundred and seven, shall affect or bind any manors, lands, tenements, or hereditaments, situate, lying, and being in the said west riding, but only from the time that a memorial of such judgment, statute, or recognizance shall be entred at the said register office, expressing and containing, in case of such judgment, the names of the plaintiffs, and the names and additions therein of the defendants, the sums thereby recovered, and the time of the signing thereof; and in case of statutes and recognizances, expressing and containing the date of such statute or recognizance, the names and additions of the cognizers, and cognizees therein, and for what sums, and before whom the same were acknowledged; and that in order to the making an entry of such memorials of judgments, statutes, and recognizances, as aforesaid, the party and parties desiring the same, shall produce to, and leave with the said register, or his deputy, to be filed in the said publick or register office, a memorial of such judgment, statute, or recognizance, signed by the proper officer, who shall sign such judgment, or his successor in the same office, or by the proper officer in whose office such statute or recognizance shall be inrolled,

Inrollments to be in parchment,

and allowed in all courts.

Such inrollment deemed entring a memorial thereof.

No judgment, &c. to affect any manors, &c. in west riding, but from time that a memorial thereof be entred in register's office.

Manner of making entry.

ed, together with an affidavit sworn before one of the judges at *Westminster*, or a master in chancery, that such memorial was duly signed by the officer whose name shall appear to be thereunto set; which memorial such respective officer is hereby required to give such plaintiff or plaintiffs, cognizee or cognizees, or his, her, or their executors or administrators, or attorney, or any of them, he, she, or they paying for the same the sum of one shilling, and no more.

Register to enter such memorials.

V. And be it further enacted, That the said register, or his deputy, shall make an entry, and likewise, if required, shall give a certificate in writing under his hand, testified by two credible witnesses, of every such memorial of any judgment, statute, or recognizance brought to him to be so registred, as aforesaid, and therein mention the certain day on which such memorial is so registred or entred, expressing also in what book, page, and number the same is entred.

Condition of register's recognizance.

VI. And be it further enacted by the authority aforesaid, That the recognizance entred into by the present register, and hereafter to be entred into by the register for the time being, at the time of his being sworn into the said office of register, conditioned for the true and faithful performance of his duty in the execution of his said office, shall be deemed, adjudged, and taken to stand and be to all intents and purposes a security, as well for the due inrollment, and safe keeping when inrolled, of the said inrollments of all bargains and sales that shall be inrolled before the said register, or his deputy, for the time being, by virtue of this present act, and for all other duties appointed by him to be done by this act, as for the true and faithful performance of his duty in the execution of his said office of register; and that the said register and his deputy for the time being, shall be liable to the like breaches and forfeitures of the said recognizance, for and in respect of any neglect or breach of his duty required of him by this present act, as for any neglect or breach of his duty in the execution of his said office of register.

The same fees as by 2 Annæ, c. 4.

VII. And be it further enacted, That the said register for the time being, shall be allowed for inrolling every such bargain and sale, and memorial, as aforesaid, and for certificates, copies and searches respectively, the like respective fees that are, by the aforesaid act made in the second year of her present Majesty's reign, appointed for the entring memorials of deeds, conveyances, and wills, and for certificates, copies, and searches respectively, and no more.

Penalty on forging or counterfeiting entry.

VIII. And be it further enacted, That if any person or persons shall at any time forge or counterfeit any entry of the acknowledgement of any bargainer in any such bargain and sale, as aforesaid, or any such memorial, certificate, or indorsement as are herein mentioned or directed, and be thereof lawfully convicted, such person or persons shall incur, and be liable to such pains and penalties as in and by an act of parliament made in the fifth year of Queen *Elizabeth*, intituled, *An act against forgers of false deeds and writings*, are imposed upon persons for forging

forging or publishing of false deeds, charters, or writings sealed, court rolls or wills, whereby the freehold or inheritance of any person or persons of, in or to any lands, tenements, or hereditaments, shall or may be molested, troubled, or charged: and that if any person or persons shall at any time forswear himself before the said register, or his deputy, or before any judge or master in chancery, in any of the cases herein mentioned, and be thereof lawfully convicted, such person or persons shall incur, and be liable to the same penalties, as if the same oath had been made in any of the courts of record at *Westminster*.

And on person forswearing himself.

IX. And be it further enacted; That all certificates required by this act, or by the said act made in the second year of her present Majesty's reign to be given by the said register, or his deputy, in case of searches in the said publick or register office, shall be signed by the said register, or his deputy, in the presence of two credible persons, who shall set their names thereto as witnesses to the signing thereof.

Certificates to be signed by register.

X. And be it further enacted by the authority aforesaid, That in case of mortgages that shall be inrolled in the said register office, pursuant to this act; or whereof memorials have been, or shall be entred, pursuant to the said act made in the second year of her present Majesty's reign; and also in case of judgments, statutes, and recognizances, whereof memorials shall be entred in the said register office, pursuant to this act; if at any time afterwards, a certificate shall be brought to the said register, or his deputy, signed by the respective mortgagors and mortgagees in such mortgage, plaintiffs, and defendants in such judgment, cognizor, and cognizees in such statute or recognizance respectively, their respective executors, administrators, or assigns, and attested by two witnesses, whereby it shall appear, that all monies due upon such mortgage, judgment, statute, or recognizance respectively, have been paid or satisfied in discharge thereof; which witnesses shall upon their oath before the said register, or his deputy, (who are hereby respectively impowered to administer such oath) prove such monies to be satisfied or paid accordingly, and that they saw such certificate signed by the said mortgagors and mortgagees, plaintiffs, and defendants, cognizors, and cognizees respectively, their respective executors, administrators, or assigns, that then, and in every such case the said register, or his deputy, shall make an entry in the margents of the said register books, against the inrollment of such mortgage or registry of the memorial thereof, and against the registry of such judgment, statute, or recognizance respectively, That such mortgage, judgment, statute, or recognizance respectively, was satisfied and discharged, according to such certificate, to which the same entry shall refer; and shall after file such certificate, to remain upon record in the said register office.

On certificate that money due on mortgage, &c. is paid, register to make an entry thereof, &c.
2 & 3 Annæ, c. 4.

XI. Provided nevertheless, and be it enacted, That if any judgment, statute, or recognizance, be registered in the said register office, within thirty days after the acknowledgement or signing thereof, all the lands that the defendant or cognizor had

Proviso in case of judgment entred in 30 days after signed.

at the time of such acknowledgment or signing, shall be bound thereby.

Act to be a publick act.

XII. And be it further enacted, That this act shall be taken and allowed in all courts within this kingdom as a publick act, and all judges, justices, and other persons therein concerned, are hereby required, as such, to take notice thereof, without special pleading the same.

CAP. XIX.

An act for continuing the duties on low wines and spirits of the first extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on stamp vellum, parchment, and paper, and the late duties on sweets, and the one third subsidy of tonnage and poundage, and for settling and establishing a fund thereby, and by the application of certain overplus monies, and otherwise, for payment of annuities to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and seven, and other uses therein expressed.

Most gracious Sovereign,

For the application of 40000l. per ann. out of the surplus arising from this act, see 6 Annæ. c. 5. f. 1, 2. 1120000l. and 35000l. to be raised.

WE your Majesty's most dutiful and loyal subjects, the commons of *England* in parliament assembled, considering the great charges necessary for carrying on the war, and how far your Majesty's subjects are at present burthened with taxes already laid for that purpose; and being therefore willing, by such easy and effectual ways and means as in this act are expressed and intended, to raise a sum of money not exceeding one million and one hundred and twenty thousand pounds, part of the money necessary to be provided in this session of parliament for your Majesty's supply, and a further sum not exceeding thirty five thousand pounds, to be applied in such manner as is herein after mentioned, towards making good the payment of the annuities to be purchased upon this act, have for that end and purpose cheerfully and unanimously given and granted, and do by this act give and grant unto your Majesty the rates and duties upon low wines, and spirits of the first extraction, and the duties to be paid by hawkers, pedlars, and petty chapmen, and the rates and duties upon vellum, parchment, and paper, and the duties upon sweets, and the additional subsidies of tonnage and poundage, and other duties hereafter in this act expressed or referred unto, for and during such term and terms of years respectively as are in this act mentioned in that behalf; and do most humbly beseech your Majesty to accept thereof, and that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every such or the like duties for and upon all low wines, or spirits of the first

Duties on low wines, hawkers, vellum, &c. granted.

Low wines, 3 & 4 Annæ. c. 4.

first

first extraction, as by the act of parliament made and passed in the third year of her Majesty's reign, intituled, *An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muslins, and for granting new duties upon several of the said commodities, and also upon callicoes, China wares and drugs,* were continued or granted until the four and twentieth day of *June*, one thousand seven hundred and ten, shall, by virtue of this act, be further continued and be paid and payable to her Majesty, her heirs and successors, for and upon all low wines, and spirits of the first extraction, to be made or drawn by any distiller, or other persons making or drawing spirits or strong waters for sale or exportation, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, from the three and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred and ten, for the term of ninety six years, from thence next and immediately ensuing, for the uses and purposes in this act expressed: and that all and every such and the like several duties, impositions, and sums of money, to be paid by every hawker, pedlar, petty chapman, and such other persons as are described in one act of the ninth year of the reign of his late majesty King *William the Third*, of glorious memory, for licensing hawkers and pedlars, and all the powers for granting licences, and other powers, and all clauses, directions, allowances, penalties, forfeitures, articles, matters, and things therein contained, relating to the said duties payable by hawkers, pedlars, petty chapmen, and other persons described in the said act, which by the said act of the third year of her Majesty's reign hath continuance until the said four and twentieth day of *June*, one thousand seven hundred and ten, shall be further continued, and be paid and payable, and be practised, observed, and put in execution, by virtue of this act, from the three and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred and ten, for the like term of ninety six years from thence next and immediately ensuing: the said several duties, impositions, and sums of money, for and upon all low wines, spirits of the first extraction, and upon all hawkers, pedlars, petty chapmen, and all other persons described as aforesaid, to be paid during the said respective terms of ninety six years, and to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for; to the uses and purposes in this act expressed, by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and with such power of mitigation, and subject to such drawbacks, allowances, and repayments, and in such manner and form in all respects, as the like duties, impositions, and sums of money respectively granted or continued by the said act of the third year of her Majesty's reign are thereby, or by any other act of parliament whereunto the said act hath reference, or by any other law now in force, prescribed, enacted, or appointed to be ascertained, secured,

made perpetual by 1 Geo. 1. stat. 2. c. 12. f. 8.
1 Geo. 2. c. 16.

further continued for 96 years; made perpetual by 1 Geo. 1. stat. 2. c. 12. f. 8.
Hawkers and pedlars. 9 & 10 W. 3. c. 27.

3 & 4 Annæ, c. 4. further continued; made perpetual by 1 Geo. 1. stat. 2. c. 12. f. 8.

In what manner duties shall be levied.

3 & 4 Annæ, c. 4.

raised, levied, recovered, answered, paid, and accounted for during the continuance thereof respectively.

II. And it is hereby enacted by the authority aforesaid, That all such of the powers, directions, penalties, and forfeitures, clauses, matters, and things provided, settled, or established by the said acts, or any of them, or by any other act now in force, whereunto the same, or any of them have or hath relation, for the better raising, levying, recovering, answering, or paying the said respective duties upon low wines and spirits of the first extraction, and upon hawkers, pedlars, petty chapmen, and other persons, described as aforesaid, thereby granted, or for making any drawbacks, repayments or allowances out of any of the said several and respective duties upon exportations, shall be revived, and be continued, and be in force and virtue, during the continuance of this act, and further, for the recovery of all the arrearages and sums of money, which shall become due or payable to her Majesty, her heirs or successors, upon this act, in as full and ample manner, to all intents and purposes, as if the said powers, directions, penalties, forfeitures, clauses, matters, and things, and every of them, were again repeated and re-enacted in the body of this present act.

III. And be it further enacted by the authority aforesaid, That such of the rates and duties upon vellum, parchment, and paper, as were granted to their said late majesties King *William* and *Queen Mary*, by an act made in the parliament holden at *Westminster*, in the fifth and sixth years of their reigns, intituled, *An act for granting to their Majesties, several duties upon vellum, parchment, and paper for four years, towards carrying on the war against France*, and which by an act of parliament made in the eighth year of the reign of his said late majesty King *William*, were continued until the first day of *August*, one thousand seven hundred and six, and which by an act of the first year of her now Majesty's reign, intituled, *An act for making good deficiencies, and preserving the publick credit*, were continued from the last day of *July*, one thousand seven hundred and six, to the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and ten, shall by virtue of this act be further continued, and be due and payable to her Majesty, her heirs and successors, from the last day of *July*, which shall be in the year of our Lord one thousand seven hundred and ten, for the term of ninety six years from thence next and immediately ensuing, for the uses and purposes in this act expressed: and that the said act for granting the said duties upon vellum, parchment, and paper, and all powers, provisions, penalties, and forfeitures, articles, and clauses therein, or in any other act or acts of parliament now in force, concerning the said duties upon vellum, parchment, and paper, shall continue and be in full force and effect, and shall be applied, practised, and put in execution, for the raising, levying, collecting, answering, and paying, the said duties upon vellum, parchment, and paper, hereby

Former powers revived.

5 & 6 W. & M. c. 21.

8 & 9 W. 3. c. 20.

1 Ann. stat. 1. c. 13.

Rates on vellum, &c. for 96 years;

made perpetual by 1 Geo. 1. stat. 2. c. 12. s. 8.

continued, during the said term of ninety six years, and all arrears thereof, according to the tenor and intent of this act.

IV. Provided always, and it is hereby further enacted, That in all cases where any farther or other provision or alteration is made by any other act or acts of parliament now in being, in relation to the said duties upon low wines and spirits of the first extraction, and the said duties payable by hawkers, pedlars, petty chapmen, and others, and the said duties upon vellum, parchment, and paper, or any of them, such other provisions, or alterations shall be observed and complied with, during the continuance of the respective terms hereby granted in the same duties respectively; any thing herein contained to the contrary notwithstanding.

V. And be it enacted by the authority aforesaid, That there shall be raised, levied, collected, and paid to her Majesty, her heirs and successors, (for the purposes in this act expressed) for every barrel of sweets made, which shall be for sale, from and after the four and twentieth day of *March*, one thousand seven hundred and six, within or during the space of ninety nine years, from thence next and immediately ensuing, the sum of thirty and six shillings, the same duty to be paid by the maker and makers of the said sweets, and so in proportion for any greater or lesser quantity.

VI. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters, and things, which in and by an act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to the duties of excise upon beer, ale and other liquors; and which in and by another act made in the tenth year of the reign of his late majesty, King *William* the third (of glorious memory) intituled, *An act for laying further duties upon sweets, and for lessening the duties as well upon vinegar as upon certain low wines and whale-fins, and the duties upon brandy imported, and for the more easy raising the duties upon leather, and for charging cynders, and for permitting the importation of pearl ashes, and for preventing abuses in brewing beer and ale, and frauds in the importation of tobacco*, or by any other law then in force relating to the duties on sweets, granted by the last-mentioned act, are provided, settled, or established, for raising, levying, collecting, recovering, adjudging, or ascertaining the duties thereby granted, or any of them, shall be exercised, practised, applied, used, levied, recovered, and put in execution, for the raising, levying, collecting, recovering, and paying the duties on sweets hereby granted, during the continuance of the same, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, mat-

Alterations to be observed.

Sweets to pay 36s. per barrel, for 99 years.

Made perpetual by 1 Geo. 1. stat. 2. c. 12. s. 8. Reduced to 12s. by 10 Geo. 2. c. 17.

12 & 13 Car. 2. c. 24.

10 & 11 W. 3. c. 22.

Former powers in force for collecting duties on sweets.

raised, levied, recovered, answered, paid, and accounted for during the continuance thereof respectively.

II. And it is hereby enacted by the authority aforesaid, That all such of the powers, directions, penalties, and forfeitures, clauses, matters, and things provided, settled, or established by the said acts, or any of them, or by any other act now in force, whereunto the same, or any of them have or hath relation, for the better raising, levying, recovering, answering, or paying the said respective duties upon low wines and spirits of the first extraction, and upon hawkers, pedlars, petty chapmen, and other persons, described as aforesaid, thereby granted, or for making any drawbacks, repayments or allowances out of any of the said several and respective duties upon exportations, shall be revived, and be continued, and be in force and virtue, during the continuance of this act, and further, for the recovery of all the arrearages and sums of money, which shall become due or payable to her Majesty, her heirs or successors, upon this act, in as full and ample manner, to all intents and purposes, as if the said powers, directions, penalties, forfeitures, clauses, matters, and things, and every of them, were again repeated and re-enacted in the body of this present act.

III. And be it further enacted by the authority aforesaid, That such of the rates and duties upon vellum, parchment, and paper, as were granted to their said late majesties King *William* and Queen *Mary*, by an act made in the parliament holden at *Westminster*, in the fifth and sixth years of their reigns, intituled, *An act for granting to their Majesties, several duties upon vellum, parchment, and paper for four years, towards carrying on the war against France*, and which by an act of parliament made in the eighth year of the reign of his said late majesty King *William*, were continued until the first day of *August*, one thousand seven hundred and six, and which by an act of the first year of her now Majesty's reign, intituled, *An act for making good deficiencies, and preserving the publick credit*, were continued from the last day of *July*, one thousand seven hundred and six, to the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and ten, shall by virtue of this act be further continued, and be due and payable to her Majesty, her heirs and successors, from the last day of *July*, which shall be in the year of our Lord one thousand seven hundred and ten, for the term of ninety six years from thence next and immediately ensuing, for the uses and purposes in this act expressed: and that the said act for granting the said duties upon vellum, parchment, and paper, and all powers, provisions, penalties, and forfeitures, articles, and clauses therein, or in any other act or acts of parliament now in force, concerning the said duties upon vellum, parchment, and paper, shall continue and be in full force and effect, and shall be applied, practised, and put in execution, for the raising, levying, collecting, answering, and paying, the said duties upon vellum, parchment; and paper, hereby

Former powers revived,

5 & 6 W. & M. c. 21.

8 & 9 W. 3. c. 20.

1 Ann. stat. 1. c. 13.

Rates on vellum, &c. for 96 years;

made perpetual by 1 Geo. 1. stat. 2. c. 12. s. 2.

continued, during the said term of ninety six years, and all arrears thereof, according to the tenor and intent of this act.

IV. Provided always, and it is hereby further enacted, That in all cases where any farther or other provision or alteration is made by any other act or acts of parliament now in being, in relation to the said duties upon low wines and spirits of the first extraction, and the said duties payable by hawkers, pedlars, petty chapmen, and others, and the said duties upon vellum, parchment, and paper, or any of them, such other provisions, or alterations shall be observed and complied with, during the continuance of the respective terms hereby granted in the same duties respectively; any thing herein contained to the contrary notwithstanding.

Alterations to be observed.

V. And be it enacted by the authority aforesaid, That there shall be raised, levied, collected, and paid to her Majesty, her heirs and successors, (for the purposes in this act expressed) for every barrel of sweets made, which shall be for sale, from and after the four and twentieth day of *March*, one thousand seven hundred and six, within or during the space of ninety nine years, from thence next and immediately ensuing, the sum of thirty and six shillings, the same duty to be paid by the maker and makers of the said sweets, and so in proportion for any greater or lesser quantity.

Sweets to pay 36s. per barrel, for 99 years.

Made perpetual by 1 Geo. 1. stat. 2. c. 12. s. 8. Reduced to 12s. by 10 Geo. 2. c. 17.

VI. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters, and things, which in and by an act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the courts of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to the duties of excise upon beer, ale and other liquors; and which in and by another act made in the tenth year of the reign of his late majesty, King *William* the third (of glorious memory) intituled, *An act for laying further duties upon sweets, and for lessening the duties as well upon vinegar as upon certain low wines and whale-fins, and the duties upon brandy imported, and for the more easy raising the duties upon leather, and for charging cynders, and for permitting the importation of pearl ashes, and for preventing abuses in brewing beer and ale, and frauds in the importation of tobacco*, or by any other law then in force relating to the duties on sweets, granted by the last-mentioned act, are provided, settled, or established, for raising, levying, collecting, recovering, adjudging, or ascertaining the duties thereby granted, or any of them, shall be exercised, practised, applied, used, levied, recovered, and put in execution, for the raising, levying, collecting, recovering, and paying the duties on sweets hereby granted, during the continuance of the same, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, mat-

12 & 13 Car. 2. c. 24.

10 & 11 W. 3. c. 21.

Former powers in force for collecting duties on sweets.

ed, together with an affidavit sworn before one of the judges at *Westminster*, or a master in chancery, that such memorial was duly signed by the officer whose name shall appear to be thereunto set; which memorial such respective officer is hereby required to give such plaintiff or plaintiffs, cognizee or cognizees, or his, her, or their executors or administrators, or attorney, or any of them, he, she, or they paying for the same the sum of one shilling, and no more.

Register to enter such memorials.

V. And be it further enacted, That the said register, or his deputy, shall make an entry, and likewise, if required, shall give a certificate in writing under his hand, testified by two credible witnesses, of every such memorial of any judgment, statute, or recognizance brought to him to be so registred, as aforesaid, and therein mention the certain day on which such memorial is so registred or entred, expressing also in what book, page, and number the same is entred.

Condition of register's recognizance.

VI. And be it further enacted by the authority aforesaid, That the recognizance entred into by the present register, and hereafter to be entred into by the register for the time being, at the time of his being sworn into the said office of register, conditioned for the true and faithful performance of his duty in the execution of his said office, shall be deemed, adjudged, and taken to stand and be to all intents and purposes a security, as well for the due inrollment, and safe keeping when inrolled, of the said inrollments of all bargains and sales that shall be inrolled before the said register, or his deputy, for the time being, by virtue of this present act, and for all other duties appointed by him to be done by this act, as for the true and faithful performance of his duty in the execution of his said office of register; and that the said register and his deputy for the time being, shall be liable to the like breaches and forfeitures of the said recognizance, for and in respect of any neglect or breach of his duty required of him by this present act, as for any neglect or breach of his duty in the execution of his said office of register.

The same fees as by 5 Annæ, c. 4.

VII. And be it further enacted, That the said register for the time being, shall be allowed for inrolling every such bargain and sale, and memorial, as aforesaid, and for certificates, copies and searches respectively, the like respective fees that are, by the aforesaid act made in the second year of her present Majesty's reign, appointed for the entering memorials of deeds, conveyances, and wills, and for certificates, copies, and searches respectively, and no more.

Penalty on forging or counterfeiting entry.

VIII. And be it further enacted, That if any person or persons shall at any time forge or counterfeit any entry of the acknowledgement of any bargainer in any such bargain and sale, as aforesaid, or any such memorial, certificate, or indorsement as are herein mentioned or directed, and be thereof lawfully convicted, such person or persons shall incur, and be liable to such pains and penalties as in and by an act of parliament made in the fifth year of Queen *Elizabeth*, intituled, *An act against forgers of false deeds and writings*, are imposed upon persons for forging

forging or publishing of false deeds, charters, or writings sealed, court rolls or wills, whereby the freehold or inheritance of any person or persons of, in or to any lands, tenements, or hereditaments, shall or may be molested, troubled, or charged: and that if any person or persons shall at any time forswear himself before the said register, or his deputy, or before any judge or master in chancery, in any of the cases herein mentioned, and be thereof lawfully convicted, such person or persons shall incur, and be liable to the same penalties, as if the same oath had been made in any of the courts of record at *Westminster*.

And on person forswearing himself.

IX. And be it further enacted; That all certificates required by this act, or by the said act made in the second year of her present Majesty's reign to be given by the said register, or his deputy, in case of searches in the said publick or register office, shall be signed by the said register, or his deputy, in the presence of two credible persons, who shall set their names thereto as witnesses to the signing thereof.

Certificates to be signed by register.

X. And be it further enacted by the authority aforesaid, That in case of mortgages that shall be inrolled in the said register office, pursuant to this act; or whereof memorials have been, or shall be entred, pursuant to the said act made in the second year of her present Majesty's reign; and also in case of judgments, statutes, and recognizances, whereof memorials shall be entred in the said register office, pursuant to this act; if at any time afterwards, a certificate shall be brought to the said register, or his deputy, signed by the respective mortgagors and mortgagees in such mortgage, plaintiffs, and defendants in such judgment, cognizor, and cognizees in such statute or recognizance respectively, their respective executors, administrators, or assigns, and attested by two witnesses, whereby it shall appear, that all monies due upon such mortgage, judgment, statute, or recognizance respectively, have been paid or satisfied in discharge thereof; which witnesses shall upon their oath before the said register, or his deputy, (who are hereby respectively impowered to administer such oath) prove such monies to be satisfied or paid accordingly, and that they saw such certificate signed by the said mortgagors and mortgagees, plaintiffs, and defendants, cognizors, and cognizees respectively, their respective executors, administrators, or assigns, that then, and in every such case the said register, or his deputy, shall make an entry in the margents of the said register books, against the inrollment of such mortgage or registry of the memorial thereof, and against the registry of such judgment, statute, or recognizance respectively, That such mortgage, judgment, statute, or recognizance respectively, was satisfied and discharged, according to such certificate, to which the same entry shall refer; and shall after file such certificate, to remain upon record in the said register office.

On certificate that money due on mortgage, &c. is paid, register to make an entry thereof, &c.
2 & 3 Annæ, c. 4.

XI. Provided nevertheless, and be it enacted, That if any judgment, statute, or recognizance, be registred in the said register office, within thirty days after the acknowledgement or signing thereof, all the lands that the defendant or cognizor had

Proviso in case of judgment entred in 30 days after signed.

at the time of such acknowledgment or signing, shall be bound thereby.

Act to be a publick act.

XII. And be it further enacted, That this act shall be taken and allowed in all courts within this kingdom as a publick act, and all judges, justices, and other persons therein concerned, are hereby required, as such, to take notice thereof, without special pleading the same.

CAP. XIX.

An act for continuing the duties on low wines and spirits of the first extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on stamp vellum, parchment, and paper, and the late duties on sweets, and the one third subsidy of tonnage and poundage, and for settling and establishing a fund thereby, and by the application of certain overplus monies, and otherwise, for payment of annuities to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and seven, and other uses therein expressed.

Most gracious Sovereign,

For the application of 40000l. per ann. out of the surplus arising from this act, see 6 Annæ, c. 5. s. 1, 2. 3; 20000l. and 35000l. to be raised.

WE your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, considering the great charges necessary for carrying on the war, and how far your Majesty's subjects are at present burthened with taxes already laid for that purpose; and being therefore willing, by such easy and effectual ways and means as in this act are expressed and intended, to raise a sum of money not exceeding one million and one hundred and twenty thousand pounds, part of the money necessary to be provided in this session of parliament for your Majesty's supply, and a further sum not exceeding thirty five thousand pounds, to be applied in such manner as is herein after mentioned, towards making good the payment of the annuities to be purchased upon this act, have for that end and purpose cheerfully and unanimously given and granted, and do by this act give and grant unto your Majesty the rates and duties upon low wines, and spirits of the first extraction, and the duties to be paid by hawkers, pedlars, and petty chapmen, and the rates and duties upon vellum, parchment, and paper, and the duties upon sweets, and the additional subsidies of tonnage and poundage, and other duties hereafter in this act expressed or referred unto, for and during such term and terms of years respectively as are in this act mentioned in that behalf; and do most humbly beseech your Majesty to accept thereof, and that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every such or the like duties for and upon all low wines, or spirits of the

Duties on low wines, hawkers, vellum, &c. granted.

Low wines, s & 4 Annæ, c. 4.

first

first extraction, as by the act of parliament made and passed in the third year of her Majesty's reign, intituled, *An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon brewers, pedlars, and petty chapmen, and upon muslins, and for granting new duties upon several of the said commodities, and also upon callicoes, China wares and drugs*, were continued or granted until the four and twentieth day of *June*, one thousand seven hundred and ten, shall, by virtue of this act, be further continued and be paid and payable to her Majesty, her heirs and successors, for and upon all low wines, and spirits of the first extraction, to be made or drawn by any distiller, or other persons making or drawing spirits or strong waters for sale or exportation, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, from the three and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred and ten, for the term of ninety six years, from thence next and immediately ensuing, for the uses and purposes in this act expressed: and that all and every such and the like several duties, impositions, and sums of money, to be paid by every hawker, pedlar, petty chapman, and such other persons as are described in one act of the ninth year of the reign of his late majesty King *William the Third*, of glorious memory, for licensing hawkers and pedlars, and all the powers for granting licences, and other powers, and all clauses, directions, allowances, penalties, forfeitures, articles, matters, and things therein contained, relating to the said duties payable by hawkers, pedlars, petty chapmen, and other persons described in the said act, which by the said act of the third year of her Majesty's reign hath continuance until the said four and twentieth day of *June*, one thousand seven hundred and ten, shall be further continued, and be paid and payable, and be practised, observed, and put in execution, by virtue of this act, from the three and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred and ten, for the like term of ninety six years from thence next and immediately ensuing: the said several duties, impositions, and sums of money, for and upon all low wines, spirits of the first extraction, and upon all hawkers, pedlars, petty chapmen, and all other persons described as aforesaid, to be paid during the said respective terms of ninety six years, and to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, to the uses and purposes in this act expressed, by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and with such power of mitigation, and subject to such drawbacks, allowances, and repayments, and in such manner and form in all respects, as the like duties, impositions, and sums of money respectively granted or continued by the said act of the third year of her Majesty's reign are thereby, or by any other act of parliament whereunto the said act hath reference, or by any other law now in force, prescribed, enacted, or appointed to be ascertained, secured,

made perpetual by 1 Geo. 1. stat. 2. c. 12. f. 8. 1 Geo. 2. c. 16.

further continued for 96 years; made perpetual by 1 Geo. 1. stat. 2. c. 12. f. 8.

Hawkers and pedlars. 9 & 10 W. 3. c. 27.

3 & 4 Annæ, c. 4. further continued; made perpetual by 1 Geo. 1. stat. 2. c. 12. f. 8.

In what manner duties shall be levied.

3 & 4 Annæ, c. 4.

raised, levied, recovered, answered, paid, and accounted for during the continuance thereof respectively.

Former powers revived.

II. And it is hereby enacted by the authority aforesaid, That all such of the powers, directions, penalties, and forfeitures, clauses, matters, and things provided, settled, or established by the said acts, or any of them, or by any other act now in force, whereunto the same, or any of them have or hath relation, for the better raising, levying, recovering, answering, or paying the said respective duties upon low wines and spirits of the first extraction, and upon hawkers, pedlars, petty chapmen, and other persons, described as aforesaid, thereby granted, or for making any drawbacks, repayments or allowances out of any of the said several and respective duties upon exportations, shall be revived, and be continued, and be in force and virtue, during the continuance of this act, and further, for the recovery of all the arrearages and sums of money, which shall become due or payable to her Majesty, her heirs or successors, upon this act, in as full and ample manner, to all intents and purposes, as if the said powers, directions, penalties, forfeitures, clauses, matters, and things, and every of them, were again repeated and re-enacted in the body of this present act.

5 & 6 W. & M. c. 21.

8 & 9 W. 3. c. 20.

1 Ann. stat. c. 13.

Rates on vellum, &c. for 96 years;

made perpetual by 1 Geo. 1. stat. 2. c. 12. s. 8.

III. And be it further enacted by the authority aforesaid, That such of the rates and duties upon vellum, parchment, and paper, as were granted to their said late majesties King William and Queen Mary, by an act made in the parliament holden at Westminster, in the fifth and sixth years of their reigns, intituled, *An act for granting to their Majesties, several duties upon vellum, parchment, and paper for four years, towards carrying on the war against France*, and which by an act of parliament made in the eighth year of the reign of his said late majesty King William, were continued until the first day of August, one thousand seven hundred and six, and which by an act of the first year of her now Majesty's reign, intituled, *An act for making good deficiencies, and preserving the publick credit*, were continued from the last day of July, one thousand seven hundred and six, to the first day of August, which shall be in the year of our Lord one thousand seven hundred and ten, shall by virtue of this act be further continued, and be due and payable to her Majesty, her heirs and successors, from the last day of July, which shall be in the year of our Lord one thousand seven hundred and ten, for the term of ninety six years from thence next and immediately ensuing, for the uses and purposes in this act expressed: and that the said act for granting the said duties upon vellum, parchment, and paper, and all powers, provisions, penalties, and forfeitures, articles, and clauses therein, or in any other act or acts of parliament now in force, concerning the said duties upon vellum, parchment, and paper, shall continue and be in full force and effect, and shall be applied, practised, and put in execution, for the raising, levying, collecting, answering, and paying, the said duties upon vellum, parchment; and paper, hereby

con;

continued, during the said term of ninety six years, and all arrears thereof, according to the tenor and intent of this act.

IV. Provided always, and it is hereby further enacted, That Alterations to be observed. in all cases where any further or other provision or alteration is made by any other act or acts of parliament now in being, in relation to the said duties upon low wines and spirits of the first extraction, and the said duties payable by hawkers, pedlars, petty chapmen, and others, and the said duties upon vellum, parchment, and paper, or any of them, such other provisions, or alterations shall be observed and complied with, during the continuance of the respective terms hereby granted in the same duties respectively; any thing herein contained to the contrary notwithstanding.

V. And be it enacted by the authority aforesaid, That there shall be raised, levied, collected, and paid to her Majesty, her heirs and successors, (for the purposes in this act expressed) for every barrel of sweets made, which shall be for sale, from and after the four and twentieth day of *March*, one thousand seven hundred and six, within or during the space of ninety nine years, from thence next and immediately ensuing, the sum of thirty and six shillings, the same duty to be paid by the maker and makers of the said sweets, and so in proportion for any greater or lesser quantity.

Sweets to pay
36s. per barrel,
for 99 years.

Made perpetual
by 1 Geo. 1.
stat. 2. C. 12.
s. 8.
Reduced to
12s. by 10 Geo.
2. C. 17.

VI. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters, and things, which in and by an act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to the duties of excise upon beer, ale and other liquors; and which in and by another act made in the tenth year of the reign of his late majesty, King *William* the third (of glorious memory) intituled, *An act for laying further duties upon sweets, and for lessening the duties as well upon vinegar as upon certain low wines and whale-fins, and the duties upon brandy imported, and for the more easy raising the duties upon leather, and for charging cynders, and for permitting the importation of pearl ashes, and for preventing abuses in brewing beer and ale, and frauds in the importation of tobacco*, or by any other law then in force relating to the duties on sweets, granted by the last-mentioned act, are provided, settled, or established, for raising, levying, collecting, recovering, adjudging, or ascertaining the duties thereby granted, or any of them, shall be exercised, practised, applied, used, levied, recovered, and put in execution, for the raising, levying, collecting, recovering, and paying the duties on sweets hereby granted, during the continuance of the same, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, mat-

12 & 13 Car.
2. C. 24.

10 & 11 W. 3.
C. 21.

Former powers
in force for
collecting duties
on sweets.

the quarterly payments, &c.

or more of the commissioners of the treasury for the time being, shall, from time to time, during the continuance of the said subsidies, rates, duties, and other funds settled by the said act of the fourth year of her Majesty's reign, as aforesaid, and every or any of them, cause all the said overplus monies of the same subsidies, rates, duties, and other funds contained in the act last-mentioned, to be justly and duly computed, at the feast of the annunciation of the blessed virgin *Mary*, in every year, or within six days after, the first computation thereof to be made at the feast of the annunciation of the blessed virgin *Mary*, one thousand seven hundred and eight, or within six days after, and after paying, or reserving sufficient to pay so much as shall be incurred or grown due upon the said annuities, by virtue of the said act of the fourth year of her Majesty's reign, at or before every such feast of the annunciation of the blessed virgin *Mary* respectively, the same overplus monies (except the necessary charges of paying and accounting for the said annuities, purchased on the said act of the fourth year of her Majesty's reign) or so much of the overplus last-mentioned, as shall be sufficient for this purpose, shall be applied for and towards the making good; paying and satisfying the quarterly payments of all and every, or any the annuities to be purchased by virtue of this act, during the whole term of ninety nine years by this act intended to be granted of and in such annuities respectively.

6 Ann. c. 6.

35000l. reserved for quarterly payments, till Michaelmas, 1710.

X. And for the better securing the quarterly payments which shall grow due on or before *Michaelmas*, one thousand seven hundred and ten, upon the annuities to be purchased in pursuance of this act, be it enacted by the authority aforesaid, That the said sum not exceeding thirty five thousand pounds, part of the contribution monies to be raised by sale of annuities upon this act, or so much thereof as shall be sufficient in this behalf, shall and may be reserved and applied for and towards the discharging the quarterly payments last-mentioned.

Sundry annuities purchased and charged, &c.

XI. *And whereas by and in pursuance of several former acts of parliament, sundry other annuities payable at the receipt of Exchequer have been purchased, and are charged upon the several other branches of the publick revenues or funds herein after particularly expressed, which revenues or funds do also annually produce more than sufficient to discharge the said annuities charged thereupon respectively, and the necessary charges of paying and accounting for the same, and the overplus monies thereby arising do belong to her Majesty for the publick use and service, that is to say, The rates and duties of excise which were granted to their late majesties King William and Queen Mary, by an act of the fourth year of their reign, for the term of ninety nine years therein mentioned, and are liable to the payment of several annuities, with benefit of survivorship, and other annuities; the overplus of which rates and duties hath been, and is to be computed on the four and twentieth day of June, yearly: the rates and duties of excise which were granted to their said late Majesties, their heirs, and successors for ever, by an act of the fifth year of their Majesties reign; the overplus whereof hath been and is to be computed as followeth, that*

Overplus monies thereby arising, to be computed, &c. 4 & 5 W. & M. c. 3.

is to say, As to five seventh parts thereof (being appropriated to make good the fund of the governor and company of the bank of England) the same have been and are to be computed on the first day of June yearly; and as to the other two seventh parts thereof, being for payment of several other annuities, the same have been and are to be computed on the five and twentieth day of March yearly: the rates and duties of excise which were granted to their said late Majesties by another act of the fifth year of their reign, for the term of sixteen years, for payment of the lottery annuities therein mentioned; the overplus whereof, when the same shall arise, is to be computed on the five and twentieth day of March yearly: and the particular rates and duties upon salt, and the particular duties upon stamp vellum, parchment, and paper, which were granted to his said late majesty King William, his heirs and successors, by several acts of the ninth year of his reign, and are charged with several annuities amounting to one hundred and sixty thousand pounds per annum to the companies or persons entitled to the trade to the East Indies; the overplus of which several rates and duties last-mentioned hath been and is to be computed on the nine and twentieth day of September yearly: now it is hereby further enacted by the authority aforesaid, That the lord high treasurer of England, or any three or more of the commissioners of the treasury for the time being, shall from time to time cause all the said overplus monies of the said several rates, duties, and funds so charged with the said annuities formerly purchased, as aforesaid, to be justly and duly computed at such respective days and times as are before-mentioned in that behalf; and after paying or reserving sufficient to pay all the payments then incurred thereupon respectively, the said overplus monies last-mentioned, so to be computed at any day or time, between the four and twentieth day of *March*, one thousand seven hundred and six, and the thirtieth day of *September*, one thousand seven hundred and ten (except the necessary charges of paying and accounting for the said annuities formerly purchased, as aforesaid) or so much of the overplus monies last-mentioned, as shall be sufficient for this purpose, shall be reserved and applied for or towards the making good such quarterly payments of the annuities to be purchased on this act, as shall incur or grow due at or before the feast of Saint *Michael* the archangel, which shall be in the year of our Lord one thousand seven hundred and ten.

XII. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of her Majesty's Exchequer one or more books, in which all the monies of the said several rates and duties hereby appointed to be paid in weekly, as aforesaid, and which shall be brought to the said receipt for that purpose, and the said sum, not exceeding thirty five thousand pounds, hereby directed to be reserved out of the said contribution-money, and also the said overplus monies of the said former annuity funds hereby directed to be computed and applied, as aforesaid, shall be entred apart and distinct from all other monies paid into the said receipt on any other account whatsoever.

Lord treasurer, &c. to apply the same, &c.

to make good the quarterly payments on this act

Auditors to keep books for entering all monies paid in.

XIII. And

Commission-
ers, &c. to be
appointed,

and compute
weekly, and
perform their
duties,

on penalty.

9 & 10 W. 3.
c. 44.

Monies arising
to be a gene-
ral fund.

XIII. And to the end all the monies by this act appropriated for payment of the annuities to be purchased on this act, may be duly and certainly raised and brought into the receipt of the Exchequer for that purpose; it is hereby further enacted, That from time to time, during the continuance of this act, there shall be continued or appointed commissioners, receivers general, comptrollers, collectors, and other proper officers, for raising the several rates and duties by this act intended for the payment of the annuities to be purchased thereupon, and for keeping the accounts of the same; and that the respective commissioners or chief managers thereof, shall from time to time, weekly, compute and ascertain the monies of each branch of the said rates and duties, which ought to be paid into the Exchequer on every *Wednesday*, or on the subsequent day, not being an holy day, as aforesaid; and that all commissioners, receivers general, comptrollers, collectors, and other officers, who are or shall be concerned in the managing, raising, levying, receiving, collecting, or paying the same, or in keeping the accounts thereof, shall perform their several and respective duties therein, as to them respectively shall appertain, under such and the like penalties, forfeitures, and disabilities, for any offence or neglect therein, or for detaining, diverting, or misapplying any part of the said monies, as are prescribed and to be inflicted by virtue of an act of parliament made and passed in the ninth year of the reign of his said late majesty King *William* the Third, intituled, *An act for raising a sum not exceeding two millions, upon a fund for payments of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies, for the like offence or neglect in relation to the duties upon salt, and other duties upon stamp vellum, parchment, and paper thereby granted, or for detaining, diverting, or misapplying any part of the monies which were granted by the act last-mentioned.*

XIV. And it is hereby enacted and declared, That all the monies arising, as aforesaid, of or for the said several and respective rates and duties upon low wines and spirits of the first extraction, and the said duties payable by hawkers, pedlars, petty chapmen, and others, as aforesaid, and the duties upon sweets, and the said duties upon stamp vellum, parchment, and paper, hereby appointed to be paid weekly into the Exchequer, as aforesaid, and the said additional subsidy, and the said sum not exceeding thirty five thousand pounds hereby directed to be reserved out of the contribution-money, as aforesaid, and the said respective overplus monies of the said former annuity funds, hereby appointed to be computed and applied for such several and respective times, and in such manner as are before-mentioned, and every of them, or so much of the said several rates, subsidies, and duties, contribution-money, and overplus money, as shall be sufficient for answering the full and due payment of all the annuities to be purchased on this act, and all arrearages thereof from time to time incurred according to the true meaning of this act, are, and shall be the general fund for payment

payment of the same, and are and shall be liable thereunto, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, under the penalties, forfeitures, and disabilities in this act expressed.

XV. And for the raising any sum and sums of money, not exceeding in the whole the sum of eleven hundred and fifty five thousand pounds, that is to say, The sum not exceeding one million one hundred and twenty thousand pounds thereof, for carrying on the present war and other her Majesty's occasions, and the said sum not exceeding thirty five thousand pounds, residue thereof, to be applied for or towards the making good the quarterly payments to be incurred on the annuities to be purchased in pursuance of this act; it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay into the receipt of her Majesty's Exchequer, for her Majesty's use, at or before the respective days and times in this act limited in that behalf, any sum or sums of money, not exceeding in the whole the sum of one million one hundred fifty five thousand pounds, for purchasing any annuity or annuities, to be paid and payable during the full term of ninety nine years, to be reckoned from the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and seven, at the rate of sixteen years purchase, which rate doth amount to the sum of one hundred and sixty pounds for every such annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the same rate or consideration-money is hereby appointed to be paid into the said receipt, at or before the respective days and times herein after-mentioned (that is to say) one fourth part thereof on or before the tenth day of *May*, in the year of our Lord one thousand seven hundred and seven; one other fourth part thereof on or before the tenth day of *July*, in the year of our Lord one thousand seven hundred and seven; one other fourth part thereof on or before the tenth day of *September*, in the year of our Lord one thousand seven hundred and seven; and the remaining fourth part thereof on or before the tenth day of *November*, in the year of our Lord one thousand seven hundred and seven: all which annuities so to be purchased, shall not exceed in the whole, the sum of seventy two thousand one hundred eighty seven pounds and ten shillings *per annum*, and shall be paid and payable at the four most usual feasts or days of payment in the year; that is to say, the feasts of the nativity of Saint *John* baptist, Saint *Michael* the archangel, the birth of our Lord Christ, and the annunciation of the blessed virgin *Mary*, by even and equal portions; the first payment thereof to be made at the feast of the nativity of Saint *John* baptist, which shall be in the year of our Lord one thousand seven hundred and seven.

XVI. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer, severally, there shall be provided and kept a book or books, in which

For purchase of annuities for 99 years, persons may advance
 £, 155,000.
 by 6 Geo. 1.
 c. 4. f. 1.
 the South Sea company may purchase these annuities.

At 16 years purchase, from
 25 March,
 1707.

To be paid in 4 parts, to
 May, 10 July,
 10 September,
 and 10 November,
 1707.

Annuities not to exceed
 72,187 l. 10s.
 per annum,
 payable quarterly.

Contributors names, &c.
 to be entred.

which there shall be fairly entred the names of all who shall be contributors, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sums so paid, and the times when the same are respectively paid; to which book it shall be lawful for the respective contributors, their executors, administrators, and assigns, from time to time, and at all reasonable times, to have resort, and to inspect the same without fee or reward.

Annuities to be paid with preference to all other payments.

XVII. And be it further enacted by the authority aforesaid, That all and every the annuities whatsoever which shall be purchased upon or in pursuance of this present act, shall be and are hereby charged upon, and shall be paid and payable from time to time, in the first place, and with preference to all other payments whatsoever, out of the monies arising from time to time, as aforesaid, of or for the said several and respective duties upon low wines and spirits of the first extraction, and the duties payable by hawkers, pedlars, petty chapmen and others, as aforesaid, and the said duties upon sweets, and the said duties upon stamp vellum, parchment, and paper, hereby appointed to be brought and paid weekly into the Exchequer, as aforesaid, and out of the said subsidies, and every of them, and also out of the said sum not exceeding thirty five thousand pounds, hereby directed to be reserved out of the said contribution-money, as aforesaid, and also out of the said overplus monies of the said former annuity funds hereby appointed to be computed and applied for such several and respective times, and in the manner before-mentioned, and every of them; and so much of the said several and respective rates, subsidies, and duties appointed by this act to be brought and paid into the Exchequer, and so much of the said sum of thirty five thousand pounds, and of the said several and respective overplus monies of the said former annuity funds, as are and shall be sufficient to satisfy and discharge all the annuities to be purchased upon this act, and all the arrearages thereof, at any time due or owing, are and shall be, by virtue of this act, appropriated and applied to and for satisfying and discharging of the same annuities, and such arrearages thereof accordingly, and shall be issued, disposed, and applied to that use, and to none other use, intent, or purpose whatsoever; any thing herein contained, or any other matter or thing whatsoever to the contrary notwithstanding.

Surplus disposable to publick uses.
Further provisions relating hereto,
1 Geo. 1. stat. 2.
c. 12. s. 7.

XVIII. Provided always, That if at the end of any year of the said term of ninety nine years, for which the said annuities are to be purchased, the first computation to be made at *Lady day*, one thousand seven hundred and eight, or within six days after, the monies arising at the Exchequer within such year, by the said rates, duties, subsidies, overplus monies, and other monies hereby appropriated for payment of the said annuities, pursuant to this act, shall exceed all the monies then due for or upon the same annuities, and all arrearages thereof, then or at any time or times before that time incurred, so that there shall be an excess or surplus remaining in the Exchequer, such excess or surplus

surplus shall be disposable from time to time for the publick use and service, and not otherwise; any thing herein contained to the contrary notwithstanding.

XIX. And be it further enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the consideration or purchase-money, at the rate aforesaid, at or before the respective days or times in this act limited in that behalf, for any such annuity or annuities, as aforesaid, or such as he, she, or they shall appoint, his, her, or their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be entitled, by virtue of this act, to have, receive, and enjoy the respective annuity and annuities so to be purchased, out of the monies by this act appropriated or appointed for the payment thereof, during the said whole term of ninety nine years, as is above-mentioned; and that all and every such purchasers, their executors, administrators, and assigns respectively, shall have good and sure estates and interests in the several annuities, so by them to be purchased according to the tenor and true meaning of this act, and that all the said annuities to be purchased upon this act, and every of them, during the term aforesaid, shall be free from all taxes, charges, and impositions whatsoever.

Contributors paying, &c. to enjoy sure estates in annuities purchased.

Tax-free;

XX. And be it further enacted by the authority aforesaid, That every contributor upon this act, for any annuity or annuities, as aforesaid, his, her, or their executors, administrators, or assigns, upon payment of the consideration or purchase-money for the same, at the rate aforesaid, or any part or proportion thereof, within the time or times in this act limited in that behalf, shall immediately have one or more tally or tallies levied, importing the receipt of so much consideration-money as shall be so paid; and upon payment of all the purchase-money for any such annuity or annuities, at the rate aforesaid, every such contributor, his, her, or their executors, administrators, successors, or assigns respectively, shall have an order for paying of the said annuity and annuities, for and during the said term of ninety nine years; which order shall be signed by the treasurer, and under treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being, and after the signing thereof, the same shall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any treasurer, or under treasurer of the Exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office, or offices of them, or any of them, nor shall any lord high treasurer of England, treasurer of the Exchequer, or any commissioners of the treasury now or for the time being, have power to revoke, countermand, or make void such orders so signed, as aforesaid, or any of them.

and have tallies and orders, &c.

Mistakes in these orders rectified by 8 Annæ, c. 7. l. 64.

XXI. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer, the

6 per cent. for prompt payment before 10 May, 1707.

sums by them intended to be advanced upon this act, it is provided and enacted by the authority aforesaid, That every such contributor who shall advance and pay into the said receipt of Exchequer all or any part of the purchase-money, payable for any such annuity, or annuities, as aforesaid, before the said tenth day of *May*, in the year of our Lord one thousand seven hundred and seven, his, her, or their executors, administrators, or assigns, shall be allowed and paid out of the contribution-money arising by this act, interest after the rate of six pounds *per centum per annum*, for the prompt payment of the money so advanced; from the time of the actual advancing and paying the same, until the said tenth day of *May*, one thousand seven hundred and seven.

Annuities assignable, &c.

XXII. And be it further enacted, That it shall and may be lawful to and for any contributor or contributors, his, her, or their executors, administrators, successors, or assigns, at any time or times during the continuance of his, her, or their term, estate, or interest of and in any annuity to be purchased upon this act, by any writing under his, her, or their hands and seals, or under the common seal of the corporation, or by his or her last will in writing, to assign or devise such annuity, or any part thereof, or any interest therein, to any person or persons whatsoever, and so *toties quoties*, and no such assignment to be revokable, so as an entry or memorandum of such assignment or will be made in books to be kept for that purpose in the said office of the auditor of the receipt, within the space of three months, after such assignment or death of the devisor; and that upon producing such assignment or will; or probat thereof, in the said office of receipt, to be entred as aforesaid, the party so producing the same shall bring therewith an affidavit, taken before one or more of her Majesty's justices of the peace, of the due execution of the said assignment or will; which affidavit, shall be severally filed in the said office; which said entry or memorandum the proper officers in the said receipt of Exchequer are hereby required to make accordingly, and to file the said affidavits: and in default of such assignment or devise by deed or will, the interest of such contributor shall go to his or her executors or administrators.

Guardians to infants may advance 160l. &c.

XXIII. And it is hereby further enacted, That it shall and may be lawful for any guardian, or trustee, having the disposal of the money of any infant under the age of one and twenty years, for the use and benefit of such infant, to advance and pay the sum of one hundred and sixty pounds of the money of such infant, to purchase an annuity upon this act for the benefit of such infant; and the said guardian or trustee, as to the said sum of one hundred and sixty pounds so advanced, is hereby discharged.

Penalty on officers taking fees, or diverting monies, &c.

XXIV. And be it further enacted, for the better encouragement of persons to advance the monies on this act, That all receipts and issues, and all other things directed by this act to be performed in the Exchequer, shall be done and performed by

the

the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity, or reward for the same; and in case any of the officers of the Exchequer shall take or demand any such fee or reward, or shall divert or misapply any of the monies of the said duties, or monies hereby appropriated, or any part thereof, which should make good the payment of the said annuities, or shall pay or issue out the same otherwise than according to the intent of this act, or shall not keep books and registers, and make entries, and do and perform all other things which by this act they are required to perform, every such officer shall forfeit his office, and be for the future incapable of any office or place of trust, and shall answer and pay treble damages to every contributor or person who shall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege of parliament, or other privilege, wager of law, injunction, order of restraint, or more than one imparlance shall be granted or allowed; and in the said action the plaintiff upon recovery shall have full costs; one third part of which sum to be recovered for damages, shall be to the use of her Majesty, her heirs and successors, and the other two third parts, with the costs, shall be to the use of the prosecutor; and in case there shall be any collusion, or faint prosecution, between the plaintiff and defendant in such action, it shall be lawful for any other contributor, his or her executors, administrators, or assigns, to bring another action, wherein he or she shall recover, as aforesaid, to the like uses, as aforesaid.

XXV. Provided always, That no person or persons whatsoever shall or may purchase or obtain, or be admitted to purchase or obtain, any annuity whatsoever upon this act, unless the whole or one fourth part at least of the consideration-money for the same, at such rate, as aforesaid, be advanced and paid into the said receipt of Exchequer, on or before the said tenth day of *May*, one thousand seven hundred and seven.

No purchase unless one fourth part paid before 20 May, 1707.

XXVI. Provided also, That in case any such contributor, as aforesaid, who shall, on or before the said tenth day of *May*, one thousand seven hundred and seven, have advanced one fourth part of his or her purchase-money, or his, her, or their executors, administrators, successors, or assigns, do not advance and pay into the receipt of the Exchequer, one other fourth part of his or her consideration-money so to be paid for such respective annuity or annuities, as aforesaid, on or before the said tenth day of *July*, in the year of our Lord one thousand seven hundred and seven, and one other fourth part thereof on or before the said tenth day of *September*, one thousand seven hundred and seven, and the remaining fourth part thereof on or before the said tenth day of *November*, in the year of our Lord one thousand seven hundred and seven, then and in every such case respectively, no order shall be drawn or signed for such respective annuity, for which the consideration-money shall not be fully paid, as aforesaid; but so much of the consideration-money as

Contributors paying one fourth part, and not the remainder, such payment forfeited.

shall have been actually paid into the receipt of the Exchequer for such respective annuity, shall be forfeited to her Majesty, her heirs and successors, and be applied together with other the monies to be raised by this act for such publick services, as aforesaid; any thing in this act contained to the contrary notwithstanding.

Lord treasurer
to reward of-
ficers, clerks,
&c.

XXVII. Provided also, and it is hereby enacted, That it shall and may be lawful to and for the lord treasurer, or any three or more of the commissioners of the treasury for the time being, out of any the monies of the said weekly payments, hereby appointed to be paid into the Exchequer, as aforesaid, or out of any the said overplus monies of the former annuity funds, to reward the officers, clerks, and others to be employed in the payments of the said annuities, or the accounts thereof, for their labour, pains, charges, and service therein respectively, and to defray all other the necessary charges incident to the payment of the said annuities, as to the said lord treasurer, or commissioners of the treasury for the time being, shall seem meet and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

Attornies, &c.
who by mi-
stake, &c.
have omitted
to enter ac-
tions, &c. on
stamp vellum,
&c.

XXVIII. *And whereas divers persons, clerks, stewards, mayors, and bailiffs, keeping and holding inferior courts of record, and other persons concerned in inferior courts, and corporations, and divers officers, attornies, and clerks of the courts at Westminster, have through inadvertency, mistake or misconstruction of the law, or by neglect, omitted the issuing, entring, enrolling, or filing of divers actions, complaints, bails, appearances, pledges, declarations, and other procefs and proceedings, upon stamp vellum, parchment, and paper, as by several acts of parliament made in that behalf they ought to have done, and have delivered declarations where no bail or appearance have been filed or entred, and proceeded further thereon; be it enacted by the authority aforesaid, That all and every the said clerks, stewards, bailiffs, officers, attornies, and other persons so concerned, as aforesaid, shall be, and they are hereby freed and discharged of and from all and every the pains, penalties, and forfeitures not already recovered, and by them respectively incurred, for or in respect of the premisses, before the twentieth day of March, one thousand seven hundred and six: provided, that such person or persons having so neglected and offended, as aforesaid, do before the three and twentieth day of November, one thousand seven hundred and seven, pay or cause to be paid to the treasurer or receiver general of the stamp duties, the several duties which by him or them respectively ought to have been paid by virtue of the said several acts; and in default thereof such person or persons respectively shall lose the benefit of the indemnity granted by this act; and that all penalties and forfeitures for any offence committed as aforesaid, which shall not be discharged by paying such duties before the said three and twentieth day of November, shall and may be sued for, prosecuted and recovered, so as the prosecution be commenced at any time within one year after the said three and twentieth day of November, and not afterwards.*

such persons
freed from
forfeitures
incurred
before 30
March, 1706.
paying the
duties, &c.

In default to
lose the bene-
fit, &c.

XXIX. *And forasmuch as by the doubtful wording of the statute* 1 Annæ, stat. 2. *made in the first year of her Majesty's reign, intituled, An act for* C. 22. *preventing frauds in her Majesty's duties upon stampd vellum, parchment, and paper, the attornies and clerks of the severall courts of record at Westminster may be in danger of incurring the penalties, forfeitures, and disabilities mentioned in the said act, and other former acts relating to the said duties, by reason of their proceeding in any actions or suits, in any of the said courts, before the attorney or clerk of the adverse part hath entred, filed, or recorded such bail, appearance, or other matter or thing, as he or they ought to have entred, filed, or recorded in the said respective courts: for the explaining whereof, be it declared* Attornies, &c. *and enacted by the authority aforesaid, That no person or persons* not to incur penalties for proceeding before the other party hath filed bail, &c. *shall forfeit, incur, or be prosecuted for any penalty, forfeiture, or disability mentioned in the said act made in the said first year of her Majesty, for or by reason of his or their transacting, entering, recording, or filing, or having transacted, entred, recorded, or filed any further or other proceeding, matter, or thing, subsequent or relating to any action, plaint, bail, or appearance, which by any other person or persons whatsoever ought to have been, or is to be first entred, filed, or recorded in any of her said Majesty's courts of record at Westminster, before the same hath been or shall be duly entred, filed, or recorded; any thing in the said severall acts, or any of them, or in this present act, to the contrary thereof in any wise notwithstanding.*

C A P. XX.

An act for the better encouragement of the royal lustring company.

WHEREAS *by an act of parliament made in the third and* 3 & 4 Annæ, *fourth years of the reign of our most gracious sovereign Queen* C. 13. *Anne, intituled, An act for prohibiting all trade and commerce with France; it is declared (amongst other things) That all silks of the manufacture of France, imported into this kingdom, shall be seized and condemned, one moiety to her Majesty, her heirs and successors, and the other moiety to the informer: and whereas divers of her Majesty's subjects, under colour of the said act, have taken upon them to sell and dispose of French lustrings and alamodes so seized and forfeited, as if they were allowed to be used and worn in England, which is contrary to the true intent and meaning of the said act, which was designed more effectually to prevent the importation and use of the said silks, and also to the manifest prejudice of so profitable a manufacture set up in this kingdom by the royal lustring company, and thereby evading the force of severall acts of parliament past for the encouragement of the said manufacture: for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That neither the before recited act for prohibiting all trade and commerce with France, nor any thing therein contained, shall be construed to extend to countenance the using and wearing any French alamodes or lustrings in this kingdom, but* Not to countenance wearing French alamodes or lustrings, &c. *that*

that the same shall be seized, condemned and exported in like manner and form, and under the like penalties, as they are or ought to have been before the passing the said act.

Acts to be in force.

II. And be it further enacted by the authority aforesaid, That the several acts of parliament heretofore made for the encouragement of the manufactures aforesaid, shall remain in full force and virtue, as if the said act for prohibiting all trade and commerce with *France* had never been made; any thing therein contained to the contrary in any wise notwithstanding.

None but officers of the customs, &c. to seize lustrings or alamoses.

III. And whereas great trouble has been occasioned to shopkeepers and others, by common informers, who are persons of mean reputation; be it enacted by the authority aforesaid, That only such person or persons who is or are officer or officers belonging to the customs, or who shall be deputed by the royal lustring company, and shall have writs of assistance from her Majesty's court of Exchequer, and no others, shall and may seize any lustrings or alamoses within the cities of *London* and *Westminster*, and the bills of mortality; any thing herein or in any former act to the contrary notwithstanding.

9 & 10 W. 3. c. 43.

IV. And whereas by an act made in the ninth and tenth years of the reign of his late majesty King William the Third, intituled, An act for the better encouragement of the royal lustring company, and the more effectual preventing the fraudulent importations of lustrings and alamoses; it is amongst other things enacted, That before any person or persons shall be admitted to claim any of the said silks, they shall give good security by recognizance, in the court where such claim shall be entered, not only to pay the costs of suit, in case such claimer or claimers shall be cast; but also to answer and pay the penalties and forfeitures incurred by the said act: and the security on such claim cannot be discharged by yielding the claimer's body to prison, which is found a great discouragement to fair traders dealing in English alamoses and lustrings: for remedy whereof, be it enacted by the authority aforesaid, That when any person or persons claim any alamoses or lustrings seized, it shall be sufficient that such person or persons give good security in the court where such claims shall be made, to answer and pay the full costs of suit only, in case a verdict shall pass against him, her, or them, or the claimer shall be nonsuited, or a judgment pass by default.

Claimers of seized alamoses to give security only to pay costs if nonsuited, &c.

33 pieces of foreign lustrings condemned, &c. may be sold in England.
3 & 4 Annæ, c. 11.
Proviso.

V. And whereas since the making the said act of prohibition of trade and commerce with *France*, thirty three pieces of foreign lustrings have been seized and condemned, being imported contrary to the said act, and sold to Mr. David Martin, merchant, to be used in England, and have not been sealed and marked with the custom-house seal and mark; it is hereby further enacted, That the said thirty three pieces of foreign lustrings may be used in England, and that the same shall not be seized or forfeited; provided that the possessors thereof respectively do on or before the first day of *May*, one thousand seven hundred and seven, bring the said thirty three pieces of lustrings, or such part thereof as remain undisposed of, to be sealed and marked at the custom-house with the seal and mark used for sealing alamoses and lustrings imported, and

oath

oath being made, That such silks are the same individual thirty three pieces of silks, or part thereof, so sold at the custom-house, and the commissioners of her Majesty's customs are hereby empowered and required (such oath being made) to cause the said silks to be sealed and marked accordingly; any law to the contrary in any wise notwithstanding.

CAP. XXI.

An act for repairing the highway between Fomhill in the county of Bedford, and the town of Stony Stratford in the county of Buckingham. EXP.

CAP. XXII.

An act to explain and amend an act of the last session of parliament, for preventing frauds frequently committed by bankrupts.

WHEREAS an act made in the first session of this present parliament, held in the fourth and fifth years of her Majesty's reign, intituled, An act for preventing frauds frequently committed by bankrupts, hath not answered the good intent thereof; but on the contrary, many notorious frauds and abuses have been committed, notwithstanding the provisions and penalties in the said act: for prevention whereof for the future, and for explaining and amending the said late act, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That if any person or persons, who shall become bankrupt within the several statutes made against bankrupts, or any of them, or any other person or persons, by or with his, her or their order, consent or privity, shall from and after the five and twentieth day of April, in the year of our Lord, one thousand seven hundred and seven, remove, carry away, conceal, destroy or imbezel any of the goods, wares, merchandizes, monies, or effects, whereof he, she or they, or any person or persons in trust for him, her or them, is or are possessed or entitled unto, to the value of twenty pounds, or upwards, or any books of accompts, bonds, bills, notes, papers or writings relating thereunto, with intent to defraud his, her or their creditors, every such person and persons so becoming bankrupt, and being thereof lawfully convicted, shall suffer as a felon without benefit of clergy; and in such case such bankrupts goods and estate shall go to, and be divided amongst the creditors; any law, usage or custom to the contrary notwithstanding.

Cap. 17.

Bankrupts who shall after 25 May, 1707, carry away or imbezel any of their effects,

with intent to defraud their creditors, to suffer as felons.

II. And be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of April, in the year of our Lord, one thousand seven hundred and seven, no person or persons that have, or hath, or shall become bankrupts, shall be discharged from all or any of his, her or their debts owing at the time of such bankruptcy, or be entitled to any allowance or benefit given or provided by the said late act of parliament made in the fourth and fifth years of her now Majesty's reign,

No bankrupts to be discharged from their debts, &c.

unless 4 sibs in number and value of creditors sign a certificate, &c.

sign, unless the allowance thereby given, and the certificate by the said act directed to be made and confirmed, shall be first signed by four parts in five in number and value of the creditors of such bankrupts, who shall have duly proved their debts; or some others by them authorized thereunto, testifying their consent to such allowance and certificate, (saving and excepting only such allowances and certificates which have been already made and granted according to the true intent and meaning of the said late act, which shall be good and effectual in the same manner (and no other) as if this present act had not been made) any thing in the said late act, or herein contained, to the contrary notwithstanding.

Bond, bill, &c. of bankrupt given in trust for creditor, &c. void.

III. Provided always, and be it enacted by the authority aforesaid, That every bond, bill, note, contract, agreement, or other security whatsoever to be made or given by any bankrupt, or by any other person for him, unto or to the use of, or in trust for any creditor or creditors, or for securing the payment of any debt or sum of money due from such bankrupt, at the time of his becoming bankrupt, or any part thereof, between the time of his becoming a bankrupt, and the time of such bankrupts discharge, as a consideration, or to the intent to induce or persuade him or her to consent to or sign any such allowance or certificate, shall be wholly void and of no effect; and the monies thereby secured or agreed to be paid, shall not be recovered or recoverable; any thing herein contained, or any law, custom or usage to the contrary notwithstanding.

Notice to be given in London Gazette, of the issuing commissions of bankrupt, &c.

IV. And be it further enacted by the authority aforesaid, That where any commission of bankrupts shall issue out from and after the said five and twentieth day of April, in the year of our Lord, one thousand seven hundred and seven, the commissioners therein named, or the major part of them, shall forthwith cause notice thereof to be given in the Gazette, and shall appoint a time and place for the creditors to meet, which meeting, for the city of London, and all places within the bills of mortality, shall be at the Guildhall of the said city, in order to choose assignee or assignees of the bankrupts estate; and the said commissioners, or the major part of them, shall assign every such bankrupt's estate and effects unto such person or persons only, and no other, as shall be nominated and chosen by the major part of the creditors then present; and the assignee or assignees so chosen, shall be obliged to keep books of the account of the bankrupts estate, with liberty for any of the creditors to resort to and inspect them.

Commissioners may make one or more assignees, &c.

V. Provided always, That it shall and may be lawful for the said commissioners, or the major part of them, as often as they shall see cause, for the better preserving or securing the bankrupts estate, immediately to appoint and make one or more assignee or assignees of the said estate, or any part thereof, which assignee or assignees, or any of them, shall or may be removed or displaced at the said meeting of the creditors, if the major part of them then present shall so think fit; and such assignee

who may be removed, &c.

or assignees as shall be so removed or displaced, shall deliver up and assign all the effects and estate of the bankrupt, which before that time shall have come to his, her or their hands or possession, or shall have been assigned to him, her or them, unto such other assignee or assignees as shall be chosen by the said major part of the creditors present at such meeting, and the effects and estate of the bankrupt which shall be so delivered up or assigned, shall be to all intents and purposes as effectually vested in such new assignee or assignees, as if the first assignment had been made to him, her or them by the said commissioners; and if any of the said first assignees shall refuse or neglect, by the space of fourteen days next after notice given of the choice of such new assignee or assignees, and of his, her or their consent to accept such assignment, signified to the first assignee or assignees, by writing under his, her or their hands, to make such assignment and delivery, as aforesaid, every such first assignee or assignees shall respectively forfeit the sum of one hundred pounds, over and above the value of such money, goods and effects that came to his or their hands respectively by virtue of such assignment, to be divided and distributed among the creditors as the bankrupts cite his or ought to be, and to be recovered by action of debt, bill, plaint or information in any of her Majesty's courts of record at *Westminster*, by such person or persons as the said major part of the creditors shall appoint to see for the same, with full costs of suit, wherein no privilege, protection or wages of law, or more than one imparlance shall be allowed; any law, custom or usage to the contrary notwithstanding.

VI. And be it also further enacted by the authority aforesaid, That such assignee or assignees so to be chosen, as aforesaid, or the major part of them, shall be and are hereby empowered to make compositions with any person, debtor or accomptant to such bankrupt, where the same shall appear necessary and reasonable, and to take such reasonable part as can upon such composition be gotten, in full discharge of such debts or accompts; any law, custom or usage to the contrary notwithstanding.

VII. And for preventing the taking out commissions of bankrupt fraudulently or maliciously, be it further enacted by the authority aforesaid, That no commission of bankrupts under the great seal of *England*, shall, after the five and twentieth day of *April*, in the year of our Lord one thousand seven hundred and seven, be awarded or issued out against any person whatsoever, at the instance or upon the petition of any one or more creditor or creditors, unless the single debt of such creditor do amount to the sum of one hundred pounds or upwards, or unless the debt of two creditors so petitioning, as aforesaid, shall amount to one hundred and fifty pounds, and upwards, or unless the debt of three or more creditors so petitioning, as aforesaid, shall amount to two hundred pounds, and upwards; and the creditor or creditors petitioning for such commission, shall

Assignees may compound with debtors, to bankrupt.

No commission to be issued out on petition of creditor, unless single debt be 100 l. &c.

before

before this statute be granted, give bond to the lord chancellor, lord keeper, or commissioners of the great seal for the time being, in the penalty of two hundred pounds, to be conditioned for paying his, her or their debts, and also for proving the party a bankrupt at the time of taking out such commission; and if such debt or debts shall not be really due and owing, or if after such commission taken out it cannot be proved that the party was a bankrupt at the time, but on the contrary it shall appear, that such commission was taken out fraudulently or maliciously, That then the lord chancellor, lord keeper, or commissioners of the great seal for the time being, shall and may, upon petition of the party or parties grieved, assign such bond to recompence him, her or them in damages; any law, custom or usage to the contrary notwithstanding.

No farmer, &c. nor receiver of taxes, to be deemed a bankrupt.

VIII. Provided always, and it is hereby further declared and enacted by the authority aforesaid, That no farmer, grazier or drover of cattle, or any person who is or hath been a receiver general of taxes granted by parliament, shall be entitled to say of the benefits given by this or the said late act made in the fourth and fifth years of her Majesty's reign, nor be deemed a bankrupt within the same, or any former acts made against bankrupts; any law, custom or usage to the contrary notwithstanding.

Act to continue two years.

IX. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the space of two years, and from thence to the end of the next session of parliament, and no longer.

CAP. XXIII.

3 & 4 ANNÆ,
C. 12.

An act to subject the estate of Thomas Breerwood to the creditors of Thomas Pitkin, notwithstanding any agreement or composition made with the creditors of the said Thomas Pitkin.

CAP. XXIV.

An act for discharging small livings from their first fruits and tenths, and all arrears thereof.

2 & 3 ANNÆ,
C. 12.

WHEREAS pursuant to an act of parliament made in the second year of her Majesty's reign, intituled, An act for the making more effectual her Majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her Majesty to grant in perpetuity the revenues of the first fruits and tenths, and also for enabling any other persons to make grants for the same purpose; *the Queen's most excellent majesty, by letters patent, bearing date the third day of November, in the third year of her Majesty's reign, did make, appoint, nominate, constitute, and establish certain persons and officers therein named, to be one body politic and corporate, by the name of The bounty of Queen Anne, for the augmentation of the maintenance of the poor clergy; and did thereby give and grant to the said governors all the revenues of first fruits and yearly perpetual tenths of all dignities, offices, benefices, and promotions spiritual whatsoever, payable*

Corporation of the bounty of Queen Anne.

to her Majesty, her heirs and successors, by virtue of an act of parliament made in the twenty sixth year of the reign of King Henry the Eighth, or by virtue of an act of parliament made in the first year of the reign of the late Queen Elizabeth, for restitution of first fruits and tenths to the crown, or by virtue of any other act or acts of parliament whatsoever, and all arrears of the said first fruits and tenths then due and undischarged (except as therein is excepted) to be applied and disposed of so and for the augmentation of the maintenance of such persons, vicars, curates, and ministers, officiating in any church or chapel within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, where the liturgy and rites of the Church of England, as now by law established, shall be used and observed, under such rules, restrictions, and directions, and in such manner and form, as should be established pursuant to these letters patents: and whereas it is thought that the payment of first fruits and tenths for small livings with cure of souls, is a very heavy burden upon the poorer clergy, for whom her Majesty's unparallel'd bounty was designed; and that the immediate discharging of the said first fruits and tenths, and the arrears thereof, of the said small livings, will be a present proper augmentation of the same (several whereof by reason of the said charges are now held in sequestration by temporary curates, without being regularly filled with institution and induction) be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all ecclesiastical benefices with cure of souls, not exceeding the clear yearly value of fifty pounds by the improved valuations of the same (the tenths whereof are by the said recited charter vested in the said corporation) and the incumbents thereof for the time being, and every of them, their respective heirs, executors, administrators, successors, and sureties, shall be free and clearly discharged and acquitted for ever of and from the said first fruits and tenths, and of and from all arrears of the same.

II. And for the ascertaining of the clear improved yearly valuations of the said ecclesiastical benefices with cure of souls, intended by this act to be discharged from payment of first fruits and tenths; be it further enacted by the authority aforesaid, That the respective bishops of every diocese, or the guardians of the spiritualities *sede vacante*, and the ordinaries of peculiars, and places of exempt jurisdictions, shall and are hereby empowered and required, as well by oaths of two or more credible witnesses (which they or others duly commissioned by them, under their hands and seals, are hereby empowered to administer) as by all other lawful ways and means, to inform themselves of the clear improved yearly value of every benefice with cure of souls within their respective dioceses and jurisdictions, the clear improved yearly value whereof doth not exceed fifty pounds; and on or before the five and twentieth day of March, which shall be in the year of our Lord one thousand seven hundred and eight, under their respective hands and seals, or seals

Ecclesiastical benefices not exceeding 50*l.* per annum, discharged from payment of first fruits, &c. for ever. Enforced by 6 Ann. c. 27. & 1 Geo. 2. stat. 2. c. 10.

Bishops, &c. before 25 March, 1708, to certify into Each other the clear yearly value of small benefices with cure of souls within their dioceses, &c.

of their respective offices, to certify into her Majesty's court of *Exchequer* at *Westminster*, the clear improved yearly value of every such benefice with cure of souls, the clear improved yearly value whereof doth not exceed fifty pounds, and such certificate being made, and filed in the said court of *Exchequer*, shall ascertain the clear yearly value of the benefice with cure of souls, intended by this act to be discharged from first fruits and tenths.

Not to discharge tenth of benefices granted for ever.

III. Provided always, and it is hereby declared, That this act, or any thing herein contained, shall not extend to discharge any benefices with cure of souls, the tenths whereof were granted away by any of her Majesty's predecessors to any person or persons, bodies politick or corporate, in perpetuity, before the said third day of *November*, in the third year of her Majesty's reign.

First fruits once applied, &c. to continue so for ever.

IV. And whereas the said former act was intended for the augmentation of the maintenance, not only of parsons and vicars, but also of curates, and other ministers officiating in churches or chapels, as is therein mentioned; now for the preventing all doubts touching the capacity of such ministers to take any certain estate to them and their successors of or in any part or portion of the first fruits and tenths, as shall to them be allotted or applied; be it enacted and declared by the authority aforesaid, That when any part or portion of the first fruits or tenths remaining to be applied or disposed of by virtue of the said former act, shall be annually, or otherwise applied or disposed of, for or towards the maintenance of any minister officiating in any church or chapel, as aforesaid, such part or portion shall from thenceforth for ever be in like manner continued to the minister from time to time so officiating in the same church or chapel; and every such minister, whether parson, vicar, curate, or other minister for the time being, so officiating in such church or chapel, shall and may from time to time take and receive, and by virtue hereof is and shall be entitled to have and enjoy the same for ever.

Minister, &c. to receive the same.

Act to be a publick act:

V. And be it further enacted and declared by the authority aforesaid, That this act shall be taken and accepted in all courts and places whatsoever, as a publick act.

Not to diminish pensions, &c. heretofore granted out of first fruits.

VI. Provided nevertheless, That this act, or any thing herein contained, shall not extend or be construed to extend to avoid or diminish any annual sum, stipend, pension, or annuity now in being, which hath heretofore been granted to any person or persons, body politick or corporate, and charged upon the said revenues of first fruits and tenths, or any part thereof; but in case it shall so happen that by discharging such small livings, or benefices with cure of souls, as afore-mentioned, of the payment of first fruits and tenths, and all arrears thereof, the first fruits and tenths which hereafter shall be collected in any diocese or dioceses, shall not be sufficient to pay and satisfy such annual sums as they now stand respectively charged with, then the whole revenues arising from the first fruits and tenths, throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, shall be liable to make good all such

such deficiencies, and the said deficiencies shall, out of the said revenues (during the continuance of such grants, from time to time as any such annual payments shall become due) be paid and satisfied to all such person and persons as shall in any wise be entitled to receive the same, in such proportions as are limited and appointed in such respective grants.

Whole revenues, &c. liable to payment of such, &c.

C A P. XXV.

An act for making the acts more effectual for appropriating the forfeited impropriations in Ireland, for the building of churches, and augmenting poor vicaridges there.

WHEREAS by an act of parliament made in the eleventh and twelfth years of the reign of his late majesty King William the Third, intituled, An act for granting an aid to his Majesty by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned, the said forfeited and other estates and interests were vested in the trustees therein named for the purposes in the said act mentioned: and whereas by the said act it was provided and enacted, That the said trustees, or any seven or more of them, should and might, and they were thereby required, as soon as conveniently might be, after the twenty fifth day of March, one thousand seven hundred and one, by bargain and sale, to be inrolled as therein mentioned, to convey all and every the rectories impropriate, with the tythes, oblations, advowsons, glebes, advowsons of vicaridges, and other things thereunto severally and respectively belonging or appertaining, forfeited by reason of the said rebellion, and therein before vested in the said trustees, to such person or persons, and their heirs, as the bishop of each respective diocese, wherein such rectories impropriate respectively were, should nominate, upon trust nevertheless, and to the intent and purpose that the profits thereof should be disposed and employed, from the second day of November, one thousand six hundred and ninety nine, for the space of twenty years thence next ensuing, in rebuilding or repairing such parish churches within the said kingdom of Ireland, as the lords justices, lieutenant general, or other chief governor or governors of the said kingdom for the time being, by and with the advice and consent of the bishop of each respective diocese for the time being, should direct or appoint; and after the expiration of the said term of twenty years, for the perpetual augmentation of such small rectories and vicaridges within the said kingdom of Ireland, as the said lords justices, or other chief governors of the said kingdom, by any writing under his or their hands and seals, with consent of the bishop of each diocese, wherein any such augmentation should be made, should direct or appoint, which appointments should before the twenty fifth day of March one thousand seven hundred and three, be made and inrolled in the court of Chancery in Ireland, as a perpetual memorial thereof: and for the making the same more effectual and beneficial for the pious ends and purposes aforesaid, one other act passed in the first year of her Majesty's reign, intituled, An act for making more effectual the provisions out of the forfeited estates

11 & 12 W. 3. c. 2.

Recital of act.

1 Annæ, stat. 1. c. 31.

estates in Ireland, for the building of churches, and augmenting small vicaridges in Ireland; whereby it is enacted, That where any such rectories impropriate, tythes, advowsons, or other things so vested in the said trustees, and directed to be conveyed in trust, as aforesaid, were charged with, or liable to any debts, charges, or incumbrances, jointly with any other lands, tenements, or hereditaments, by the said act vested in the said trustees, such other lands, tenements, or hereditaments in the first place should be liable to, and should answer and satisfy such debts, charges, and incumbrances; and the said trustees, or any seven of them, were thereby authorized and required to make sale of such other lands, tenements, or hereditaments, or of a competent part thereof, for or towards the paying off, clearing, and discharging such debts, charges, and incumbrances; and as soon as conveniently might be, from and after such sale, and the clearing and discharging such debts and incumbrances, such rectories impropriate, tythes, advowsons, and other things so vested in the said trustees, and directed to be conveyed in trust, as aforesaid, as were, together with such other lands, tenements, or hereditaments, jointly charged or incumbered, should be conveyed, and the said trustees, or any seven of them, were thereby authorized and required to convey the same to such person and persons, and in such manner, and to such uses, intents, and purposes, as in the said first recited act is directed and appointed, freed, and discharged of and from all such debts, charges, and incumbrances, be the same by matter of record, mortgage, or otherwise: and whereas the said trustees, according to the powers given to them, did convey the said rectories impropriate, with the tythes, oblations, obventions, glebes, advowsons, vicaridges, and other things thereunto severally and respectively belonging or appertaining, as aforesaid, to William Neave esquire, one of her Majesty's serjeants at law in Ireland, Marmaduke Coghill and Morley Saunders, Doctors of law, Samuel Dopping, John Usher and Stephen Ludlow esquires; their heirs, executors, administrators and assigns, for the purposes in the said first act mentioned: and whereas by several subsequent acts of parliament passed since the making the said first recited act, divers parts of the said forfeited and other estates and interests by the said first act vested in the said trustees, have been given, granted, or restored to several persons, and for several uses, intents, and purposes in such subsequent acts mentioned, in the passing of all which subsequent acts it was intended that no person or persons was or were, by any such subsequent act of parliament, in which any clause or provision was made or inserted for or in favour of the said church of Ireland, to be restored, or to have, by any such act of parliament, any right, title, or interest into or out of any of the said rectories impropriate, tythes, oblations, obventions, glebes, advowsons, vicaridges, or other things thereunto respectively belonging or appertaining, as aforesaid, but that they should remain, continue, and be in the said trustees in the said first recited act named, to and for the uses and purposes therein mentioned: and whereas it was likewise intended that sufficient provision should be made in every such subsequent act of parliament for that purpose, and several clauses and provisions were respectively inserted in every such subsequent act and acts; nevertheless several doubts, suits,

Irish rectories impropriate convey'd to William Neave, &c.

11 & 12 W. 3. c. 2.

and controversies relating therunto have arisen, whereby the church reaps little or no benefit by the said first recited acts; for remedy whereof, and for making the said intended gift of parliament more effectual for the pious ends and purposes mentioned in the said first recited act, be it declared and enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every the rectories impropriate, with the tythes, oblations, obventions, glebes, and advowsons of vicaridges, and other things therunto severally and respectively belonging or appertaining, which in and by the said first recited act were vested in the said trustees therein mentioned, as aforesaid, and which in and by any of the said subsequent act or acts of parliament passed in favour of any person or persons, in which any express provision or clause is contained in favour of the said church of Ireland, were any ways given, granted, or restored, contrary to the uses, intents, and purposes in the said first recited acts mentioned, be, and is, and are hereby divested out of such person and persons, and of and from all the uses, intents, and purposes in such subsequent acts mentioned, in which any such provision is made in favour of the said church of Ireland, and be and are hereby vested and settled in the said William Neave, Marmaduke Cogbill, Morley Saunders, Samuel Dopping, John Usber, and Stephen Ludlow, their heirs, executors, administrators, and assigns, according to the several estates and interests vested in the said trustees by the said first recited act appointed, to such uses, intents, and purposes, as therein mentioned, as fully and amply as if the same had been reserved out of, or not given, granted, or restored by the said subsequent act or acts of parliament, or as if such subsequent act or acts of parliament, in which any clause or provision in favour of the church of Ireland is inserted, and not otherwise, had never been made and enacted.

II. And be it enacted by the authority aforesaid, That all bonds taken in the names of the trustees in the first recited act mentioned, or in the name or names of any other person or persons, for any sum or sums of money due since the passing the said first recited act, for tythes or other profits issuing out of any the said rectories impropriate, advowsons, and other things so intended for the building and repairing of the said churches, and not already paid and discharged, shall be and are hereby made recoverable in the name or names of the respective obligees, and shall be paid and payable by the respective obligees, their heirs, executors, administrators, or assigns, to the said William Neave, Marmaduke Cogbill, Morley Saunders, Samuel Dopping, John Usber, and Stephen Ludlow, their executors, administrators, and assigns, for repairing and building decayed and ruined churches in the said kingdom of Ireland; any judgment, decree, or other thing to the contrary notwithstanding.

III. And

All rectories impropriate with the tythes, &c. vested in trustees by 11 & 12 W. 3. c. 2. and since restored to any persons, &c. contrary to intent of act of parliament, such persons to be divested thereof, &c. and the same settled in William Neave, &c.

Bonds taken in trustees names; for monies due for tythes, &c. and not discharged, recoverable,

and payable to the said William Neave, &c.

Where tythes have been leased with lands at a rent in Grosſ, &c. the ſaid William Neave, &c. to receive a tenth part of the rent, &c.

III. *And whereas ſeveral of the ſaid forfeited tythes in the ſaid kingdom have been ſet to ſeveral perſons with lands at a rent in groſſ, before they became forfeited, and the leaſes thereof claimed and allowed by the ſaid truſtees, purſuant to the ſaid firſt recited act, be it enacted by the authority aforeſaid, That in all ſuch caſes the ſaid William Neave, Marmaduke Coghill, Morley Saunders, Samuel Dopping, John Uſber and Stephen Ludlow, their heirs, executors, administrators, and aſſigns, ſhall have, hold, and receive the tenth part of the ſaid rent in lieu and full ſatisfaction of the ſaid tythes, during the continuance of the ſaid leaſe or leaſes thereof, and after expiration of ſuch leaſe or leaſes reſpectively, the full tythes in kind, or ſuch Modus as have or hath been legally ſettled in lieu thereof; in truſt nevertheleſs for and to the uſes, intents, and purpoſes in the ſaid firſt recited act mentioned.*

Acts declared publick acts.

IV. *And be it hereby declared and enacted, That as well the ſaid firſt recited act, as all other acts or claules in any act made ſubſequent to the ſaid firſt recited act, relating to the ſaid forfeited or other eſtates and intereſts in Ireland, veſted in the ſaid truſtees, be, and is, and are hereby declared and enacted to be in all courts and places publick acts of parliament.*

Not to alter acts, &c. made in favour of Dudley Bagenall or Nicholas Bagenall. 2 W. & M. ſeſſ. 2. c. 17. a private act. 1 Ann. ſtat. 1. c. 27, a private act. Or affect the eſtate of Nicholas, &c.

V. *Provided always, That nothing herein contained ſhall be conſtrued, or extend to alter or repeal the act of parliament made and paſſed in the ſecond year of the reign of our late ſovereign lord and lady King William and Queen Mary, intituled, An act ſo bar a remainder limited to Dudley Bagenall eſquire, in the eſtate of Nicholas Bagenall eſquire in Ireland; or to alter or repeal an act made and paſſed in the firſt year of her Maſteſty's reign, intituled, An act for the relief of Nicholas Bagenall eſquire, with relation to the forfeited eſtates in Ireland; or to annul, alter, or repeal any claules or provisions in either of the ſaid acts contained, or any ways to affect the eſtate and intereſt of the ſaid Nicholas Bagenall in the ſaid acts mentioned; but that the right, title, eſtate, and intereſt of the ſaid Nicholas Bagenall, of, in, and unto the ſeveral tenements, impropriations, right of patronage, advowſons; tythes, and hereditaments in the ſaid acts mentioned, ſhall be, remain, and continue in the ſame ſort, manner, and form, as they were before the paſſing of this act, and as if this act had never been made.*

CAP. XXVI.

An act for repairing the highways between Sheppards Shord and the Devizes, and between the top of Aſhington Hill and Rowd Ford in the county of Wilts.

Continued and enlarged by 11 Geo. 1. c. 27. & 18 Geo. 2. c. 14.

C. A. P. XXVII.

An act for continuing several subsidies, impositions, and duties, and for making provisions therein-mentioned to raise money by way of loan for the service of the war, and other her Majesty's necessary and important occasions, and for ascertaining the wine measure.

Most gracious Sovereign,

I. **W**E your Majesty's most dutiful and loyal subjects, the commons of *England* in parliament assembled, duly considering how necessary it is that a full and ample provision be made for enabling your Majesty to carry on the present war with success, and that your Majesty's supply for that purpose, and for other your Majesty's necessary and important occasions, be sufficient and compleat, have cheerfully and unanimously given and granted, and do by this act give and grant unto your Majesty the subsidies, impositions, and duties herein after mentioned, for the terms herein after expressed; and do most humbly beseech your Majesty to accept thereof, and that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the subsidies of tonnage and poundage, and other duties and sums of money payable upon wines, goods and merchandizes imported, which were given and granted unto his late majesty King *Charles* the Second for his life, by an act of parliament made in the twelfth year of his reign, (intituled, *A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported*) and which by severall subsequent acts of parliament were continued until the first day of *August*, one thousand seven hundred and six, and by an act of the first year of her Majesty's reign, intituled, *An act for making good deficiencies, and for preserving the publick credit*, are granted to continue until the first day of *August*, one thousand seven hundred and ten; shall, by virtue of this act, be further continued and be paid and payable to her Majesty, her heirs and successors, for and upon all wines, goods, and merchandizes whatsoever, which shall be imported or brought into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, at any time or times between the last day of *July*, one thousand seven hundred and ten, and the first day of *August*, one thousand seven hundred and twelve; and that the said act made in the twelfth year of the reign of King *Charles* the Second; and every article, rule, and clause therein mentioned, or thereby referred to, shall be of full force and effect, for raising, levying, and recovering the said subsidies and duties hereby granted and continued, for and upon all wines, goods, and merchandizes imported, and all arrears thereof, according to the true meaning of this act, as fully and

Tonnage and poundage inwards continued, 12 Car. 2. c. 4.

1 Annæ, stat. 1. c. 13.

to 1 Aug. 1712.
1 Geo. 1. c. 12.
12 Car. 2. c. 4.
Duties how levied.
6 Ann. c. 11.

in like manner as if the same were particularly and at large recited and set down in the body of this act.

Acts continued.

22 Car. 2. c. 19.

II. Provided always, and be it further enacted by the authority aforesaid, That an act of parliament made in the twelfth year of the reign of the said King Charles the Second, intituled, *An act to prevent frauds and concealments of his Majesty's customs*

23 & 14 Car. 2. c. 11.

and subsidies; as also an act made in the fourteenth year of the reign of the said late King Charles the Second, intituled, *An act for preventing frauds and abuses in his Majesty's customs*; and also

22 Car. 2. c. 13.

an act made in the two and twentieth year of the reign of the said late King Charles the Second, intituled, *An act for the improvement of tillage, and the bread of cattle*; and also one other act

25 Car. 2. c. 6.

made in the five and twentieth year of the reign of the said late King Charles the Second, intituled, *An act for taking off aliens duties upon commodities of the growth, product and manufecture of the nation*; and also one other act made in the said five and twentieth year of the reign of the said late King Charles the Second,

25 Car. 2. c. 7.

intituled, *An act for the encouragement of the Greenland and Eastland traders, and for the better securing the plantation trade*; and also one other act made in the first year of the reign of King James the Second, intituled, *An additional act for the improvement of tillage*; and one act made in the eighth year of the reign

1 Jac. 2. c. 19.

8 & 9 W. 3. c. 34.

of his late majesty King William the Third, intituled, *An act for the lessening the duty upon tin and pewter exported, and granting an equivalent for the same by a duty upon drugs*; and another act of the ninth year of his reign, *For increasing his Majesty's duties upon lustrings and alomodes*; and one act made in the eleventh year of his reign, intituled, *An act for taking away the duties upon the woollen manufactures, corn, grain, bread, biscuit, and meal exported*; and all clauses and directions whatsoever contained therein, or in any other act or acts of parliament now in force concerning the said subsidy of tonnage and poundage, and other sums of money upon merchandize imported, which were granted in the twelfth year of the reign of King Charles the Second, as aforesaid, shall be of full force and effect until the said first day of August, which shall be in the year of our Lord, one thousand seven hundred and twelve.

9 & 10 W. 3. c. 30.

11 & 12 W. 3. c. 20.

III. Provided nevertheless, and be it declared and enacted, That nothing herein contained shall be construed or taken to determine any articles or clauses in any of the last-mentioned acts, hereby enacted to be in force until the said first day of August, one thousand seven hundred and twelve, which were appointed and intended to be perpetual, or which were continued by any act of parliament for any time which will not expire by or before the said first day of August, one thousand seven hundred and twelve: but that the same, and every of them, shall continue and remain in force as if this present act had not been made: but such of the said acts, and such clauses in any of them, as would otherwise determine before the said first day of August, one thousand seven hundred and twelve, shall hereby be revived, and stand, continue, and be in force until the said first day

12 Car. 2. c. 4.

Except clauses intended to be perpetual.

day

day of *August*, one thousand seven hundred and twelve, and no longer.

IV. And be it further enacted by the authority aforesaid, That the several impositions and duties upon wines and vinegar, granted by an act made in the first year of the reign of his said late majesty King *James* the Second, intituled, *An act for granting to his Majesty an imposition upon all wines and vinegar imported between the four and twentieth day of June, one thousand six hundred eighty and five, and the four and twentieth day of June, one thousand six hundred ninety and three*: which said act, by several subsequent acts of parliament, was continued until the first day of *August*, one thousand seven hundred and six; and by the said act of the first year of her Majesty's reign, intituled, *An act for making good deficiencies, and preserving the publick credit*, are granted to continue until the first day of *August*, one thousand seven hundred and ten; shall, by virtue of this act, be further continued to her Majesty, her heirs and successors, from the last day of *July*, one thousand seven hundred and ten, to the first day of *August*, one thousand seven hundred and twelve, and no longer; and that the said act so made in the first year of the reign of the said late King *James* the Second, and all powers, provisions, penalties, articles, and clauses therein contained, for or concerning the said impositions on wines and vinegar, shall continue and be in full force and effect until the said first day of *August*, one thousand seven hundred and twelve, and shall be applied, practised, and executed for raising, levying, collecting, answering, and paying the said duties upon wine and vinegar, hereby continued; and all arrears thereof, according to the tenor and intent of this present act, as fully, to all intents and purposes, as if all and every the clauses, matters, and things in the said act of the first year of the reign of the said King *James* the Second contained, had been again repeated in this act, and particularly enacted.

V. And be it further enacted by the authority aforesaid, That the rates, duties, and impositions upon all sorts of tobacco, granted by an act made in the first year of the reign of the said late King *James* the Second, intituled, *An act for granting to his Majesty an imposition upon all tobacco and sugar imported between the four and twentieth day of June, one thousand six hundred eighty and five, and the twenty fourth day of June, one thousand six hundred ninety and three*: which said act, as for and concerning the said duties and impositions upon tobacco only, by several subsequent acts of parliament, was continued until the first day of *August*, one thousand seven hundred and six, and by the said act of the first year of her Majesty's reign, intituled, *An act for making good deficiencies, and preserving the publick credit*, are granted to continue until the first day of *August*, one thousand seven hundred and ten, shall by virtue of this act be further continued and paid to her Majesty, her heirs and successors, from the last day of *July*, one thousand seven hundred and ten, to the first day of *August*, one thousand seven hundred and twelve, and no longer.

Duties on
wines and
vinegar, to
continue to
1 Aug. 1712.
1 Jac. 2. c. 3.

1 Ann. stat. 1.
c. 13.

1 Jac. 2. c. 3.

Duties on to-
bacco conti-
nued to 1 Aug.
1712.
1 Jac. 2. c. 4.

1 Ann. stat. 1.
c. 13.

To be levied
as by 7 & 8
W. 3. c. 10.

VI. Provided always, and be it enacted and declared by the authority aforesaid, That the said duty upon tobacco, which shall be imported during the term hereby granted, and all arrears thereof, shall be secured, collected, raised, levied, answered; and paid to her Majesty, in such method, and with such discount and allowances, and according to such rules and directions as are mentioned, referred to, or prescribed as to the duties or impositions upon tobacco, in and by the act made in the parliament holden in the seventh and eighth years of the reign of King *William the Third*, intituled, *An act for continuing several duties granted by former acts upon wine, vinegar, and upon tobacco, and East India goods, and other merchandizes imported, for carrying on the war against France, and not otherwise.*

Duties on East
India goods
&c. continued
to 1 Aug. 1712.
2 W. & M.
sess. 2. c. 4.

VII. And be it further enacted by the authority aforesaid, That the several additional and other rates, impositions, duties, and charges upon the several sorts of goods and merchandizes, granted by an act made in the second year of the reign of King *William the Third*, and Queen *Mary*, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandizes, to be imported after the five and twentieth day of December, one thousand six hundred and ninety*, and which thereby, and by several subsequent acts of parliament, were continued until the first day of *August*, one thousand seven hundred and six, and by the said act of the first year of her Majesty's reign, intituled, *An act for making good deficiencies, and preserving the publick credit*, are granted to continue until the first day of *August*, one thousand seven hundred and ten, shall be further continued to her Majesty, her heirs and successors, from the last day of *July*, one thousand seven hundred and ten, to the first day of *August*, one thousand seven hundred and twelve, and no longer; and that the said act made in the second year of their said late Majesties reign, concerning *East India* goods and other things therein charged, and all powers, provisions, penalties, articles, and clauses therein contained, shall continue, and be of full force and effect, until the said first day of *August*, one thousand seven hundred and twelve, and shall be applied, practised, and executed for the raising, levying, collecting, answering, and paying the said respective duties hereby continued, and all arrears thereof, according to the tenor and intent of this present act, as fully, to all intents and purposes, as if the said last-mentioned act, and all and every the clauses, matters, and things therein contained, had been again repeated, and particularly enacted; except only as to such part of the said acts concerning the said impositions on wines, vinegar, tobacco, *East India* goods, and other merchandizes imported, touching which other provisions or alterations are made by any act or acts of parliament now in being; which other provisions or alterations are to be observed, and to continue during the continuance of this present act, and the said act, intituled, *An act for continuing several duties granted by former acts upon wine and vinegar, and up-*

1 Ann. stat. 1.
c. 13.

Except where
alterations are
made.

7 & 8 W. 3.
c. 10.

on tobacco, and East India goods and other merchandizes imported, for carrying on the war against France; and every article, clause, matter, and thing therein contained, for the raising, levying, securing, answering, and paying the impositions and duties on the merchandizes and commodities thereby charged, and which are by this act continued, shall be of full force and effect until the said first day of August, one thousand seven hundred and twelve.

VIII. And be it further enacted by the authority aforesaid, That the additional and other rates, duties, impositions, and charges upon the several sorts of goods and merchandizes granted by an act of parliament made in the fourth year of their said late Majesties reign, intituled, *An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for the prosecuting of the present war against France*, which by several subsequent acts of parliament were continued until the first day of August, one thousand seven hundred and six, and by the said act of the first year of her Majesty's reign, intituled, *An act for making good deficiencies, and preserving the publick credit*, are granted to continue until the first day of August, one thousand seven hundred and ten, shall by virtue of this act be further continued, and be paid and payable to her Majesty, her heirs and successors, from the last day of July, one thousand seven hundred and ten, to the first day of August, one thousand seven hundred and twelve, and no longer; and that the said act last-mentioned, and all powers, provisions, penalties, articles, and clauses therein contained, (except as herein after is excepted and provided) as for and concerning the said rates, duties, and impositions, shall continue and be of full force and effect until the said first day of August, one thousand seven hundred and twelve, and shall be applied, practised, and executed for the raising, levying, collecting, answering, and paying the said duties hereby continued, and all arrears thereof, according to the tenor and intent of this present act, as if the said last-mentioned act, and all and every the clauses, matters and things therein contained, had been again repeated, and particularly enacted in this present act.

New Imposst
continued to
1 August 1712.
4 & 5 W. &
M. c. 5.

1 Ann. stat. 1.
c. 13.

Exception.

IX. Provided also, That in all cases where any other provision or alteration is made by any act or acts of parliament now in being, in or about any other matter or thing contained in the said act of parliament for the impositions last-mentioned, such other provisions or alterations shall be observed, during the continuance of the term hereby granted; any thing herein contained to the contrary notwithstanding.

Alterations
made by acts
to be observed.

X. And it is hereby further enacted, That the several impositions and duties for and upon all whale-fins imported, which by an act of parliament in the ninth year of the reign of his said late majesty King William the Third, intituled, *An act for taking away half the duties imposed on glass wares, and the whole duties laid on stone and earthen wares, and tobacco pipes, and for granting in lieu thereof new duties on whale-fins and Scotch linens*, were granted to his said late majesty King William, and by an

Duties on
whale-fins,
&c.
9 & 10 W. 3
c. 45.

Continued to
1 Aug. 1712.
1 Ann. stat. 1.
c. 13.

act of the first year of her Majesty's reign, were continued until the first day of *August*, one thousand seven hundred and ten, shall be, and are hereby continued to her Majesty, her heirs and successors, from the last day of *July*, one thousand seven hundred and ten, to the first day of *August*, one thousand seven hundred and twelve, and no longer; and shall be raised, levied, collected, and paid, in such manner and form, and by such ways and means, and under such penalties as are mentioned in the said act for granting the said impositions on whale-fins and *Scotch* linens; which act, with all the powers, provisos, penalties, articles, and clauses therein contained, or thereby referred to, shall continue and be in full force until the said first day of *August*, one thousand seven hundred and twelve, and shall be applied, practised, and put in execution for raising and levying the said duties on whale-fins, hereby continued, and all arrears thereof, as fully and effectually as if all the clauses, matters, and things therein contained, concerning the said duties on whale-fins, were repeated, and again enacted in the body of this present act.

12 Car. 2. c. 4. XI. *And whereas the said subsidies of tonnage and poundage, and the said other duties granted therewith, in the twelfth year of King Charles the Second, as aforesaid; and the said impositions on wines, vinegar, and tobacco, which were first granted to King James the*
1 Jac. 2. c. 3. *Second, in the first year of his reign; and the said impositions on*
1 Jac. 2. c. 4. *East India goods, and other goods charged therewith, which were first*
2 W. & M. *granted to their late majesties King William and Queen Mary, in*
ff. 2. c. 4. *the second year of their reign; and the said additional impositions*
4 & 5 W. & *which were first granted to them in the fourth year of their reign;*
M. c. 5. *and the said duties on whale fins imported, which were granted to his*
9 & 10 W. 3. *said late majesty King William, in the ninth year of his reign, were*
c. 45. *by the said act of the first year of her Majesty's reign, intituled,*
1 Ann. stat. 1. *An act for making good deficiencies, and preserving the publick*
c. 13. *credit, continued as aforesaid, until the said first day of August, one*
thousand seven hundred and ten, in the manner therein mentioned;
and the said subsidies, impositions, and duties arising by the said act
of the first year of her Majesty's reign, are thereby made subject and
liable to the satisfaction of the principal and interest monies therein
mentioned, great part of which principal monies do still remain un-
satisfied, and are (together with all the interest due, and to grow due
thereupon) to be paid and discharged in the first place out of the sub-
sidies, impositions, and duties granted or continued by the act last men-
tioned: now it is hereby further declared and enacted by the au-
thority aforesaid, That from and immediately after the time that
all the principal and interest monies, which by the said act of
the first year of her Majesty's reign, for making good deficien-
cies, and preserving the publick credit, are charged upon the se-
veral subsidies, duties, and impositions last-mentioned, shall be
fully paid off and satisfied, or that sufficient money shall be re-
served in the Exchequer for that purpose, then the aforesaid sub-
sidies, duties, and impositions last-mentioned, to arise by the said
act of the first year of her Majesty's reign, for the remainder
of

After princi-
pal and inter-
est monies by
1 Ann. stat. 1.
c. 13. are paid
off, remainder
to be paid in-
to the Exche-
quer for uses
in this act.

of the several terms thereby granted, and therein then to come and unexpired (except the necessary charges of raising, levying, collecting, and accounting for the same) shall from time to time be paid into the receipt of the Exchequer distinctly, for the purposes in this present act expressed, and for no other use, intent, or purpose whatsoever.

XII. Provided also, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives, or foreigners, bodies politick or corporate, to advance and lend to her Majesty at the receipt of her Majesty's Exchequer, as well upon credit of the several subsidies, impositions, and duties by this act granted or continued, as also upon credit of the monies which by the said act of the first year of her Majesty's reign, after satisfaction of the principal and interest thereupon, as aforesaid, shall arise by the subsidies, impositions, and duties thereby granted, any sums which shall not exceed in the whole the sum of eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings and six pence farthing, for the service of the war, and other her Majesty's occasions; and moreover the lord high treasurer of England for the time being, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and directed to cause the officers of the said receipt of the Exchequer to receive from time to time by way of loan, from any person or persons, bodies politick or corporate, willing to make the same at the said receipt, any further sum and sums of money, over and above the said sum of eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings and six pence farthing, as shall be sufficient to make good the payment of all the interest monies appointed or allowed by this act, every three months, until the said subsidies, impositions, and duties arising by this or the said act of the first year of her Majesty's reign, or either of them first happening, shall come into the Exchequer, and be sufficient for that purpose, pursuant to the intent and true meaning of this act; and that all the lenders, as well of the said sum not exceeding eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings, and six pence farthing, as of the said further sums for making good the payment of the intermediate interest as aforesaid, shall have and receive interest for the forbearance thereof, after the rate of six pounds per centum per annum; and that no money to be lent upon the security of this act, shall be taxed, rated or assessed by any act of parliament whatsoever.

Clause of loan for eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings, and eight pence farthing.
1 Ann. stat. 1. c. 13.

1 Ann. stat. 1. c. 13.

at 6 per cent. Tax-free.

XIII. And it is hereby further enacted, That all and every person or persons who shall lend any money upon such credits as aforesaid, and pay the same into the said receipt of Exchequer, shall immediately have a talley of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tallies, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof at the rate aforesaid, to be paid every three months

Lenders to have tallies and orders, &c.

until the re-payment of the principal; and that all such orders for re-payment of money to be lent, shall be registered in course, according to the dates respectively, without other preference of one before another; and that all and every person and persons shall be paid in course, according as their orders shall stand registered in the said register books, so as the said person, native or foreigner, his or her executors, administrators, or assigns, who shall have his or her order or orders first entred in the said respective books of register, shall be taken and accounted the first person to be paid out of the monies to come in by this act; and he, she, or they who shall have his or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively, and in course; and that the monies to come in, of or for the several subsidies, impositions, and duties by this act granted or continued as aforesaid, and also the monies which by the said act of the first year of her Majesty's reign (after satisfaction of the principal and interest thereupon as aforesaid) shall arise by the subsidies, impositions, and duties thereby granted as aforesaid, shall be in the same order liable to the satisfaction of the monies to be lent as aforesaid, to the respective parties, their executors, administrators, successors and assigns respectively, without undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, to be demanded or taken of any her Majesty's subjects, for providing or making of any such books or registers, or any entries, views, or search in or for payment of money lent, or the interest thereof as aforesaid, by any of her Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with treble costs of suit, or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, with damages and costs to the party grieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever incapable of his place or office; and in case the auditor of the receipt shall not direct, or the clerk of the pells record, or the teller make payment, according to each person's due place and order, as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks herein offending to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, shall and may be recovered by action of debt,

Monies not
divertible.

1 Ann. stat. 1.
c. 13.

No fee to be
taken on pe-
nalty.

Or undue pre-
ference made
&c.

Penalties how
recoverable.

debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no *essoyn*, protection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

XIV. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference, which of those be entred first, so as he enters them all the same day.

No undue preference, &c.

XV. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them, interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Subsequent orders.

XVI. And be it further enacted, That all and every person and persons, to whom any money shall be due for loans to be registred by virtue of this act, after order entred in the book of register as aforesaid, his executors, administrators, or assigns, by proper words of assignment, to be endorsed and written upon his order, may assign or transfer his right, title, interest, and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders, which the officers shall upon request without fee or charge accordingly make, shall entitle such assignee, his executors, administrators, and assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, and discharge the same, or any the monies thereby due, or any part thereof.

Orders assignable.

XVII. And to the end the contents of the wine gallon, whereby the duties hereby granted are to be levied, may be ascertained and known to all her Majesty's subjects, and that all disputes and controversies touching the wine measures, according to which any customs, subsidies, or other duties, are, from and after the first day of *May*, one thousand seven hundred and seven, to be paid or payable to her Majesty, her heirs or successors, may be settled, be it further enacted and declared by the authority aforesaid, That any round vessel (commonly called a cylinder) having an even bottom, and being seven inches diameter throughout, and six inches deep from the top of the inside to the bottom, or any vessel containing two hundred thirty one cubical inches, and no more, shall be deemed and taken to be a lawful wine gallon; and it is hereby declared, That two

Wine gallon ascertained.

A cylinder.

252 gallons a
ton of wine.
126 a butt or
pipe.
63 a hoghead.

hundred fifty two gallons, consisting each of two hundred thirty one cubical inches, shall be deemed a ton of wine, and that one hundred twenty six such gallons shall be deemed a butt or pipe of wine, and that sixty three such gallons shall be deemed an hoghead of wine.

Monies re-
maining after
loans satisfied,
how appro-
priated.
5 Ann. c. 1.

XVIII. And be it further enacted by the authority aforesaid, That all the monies lent and to be lent unto her Majesty on one act of this session of parliament, intituled, *An act for granting aid to her Majesty by a land tax, to be raised in the year one thousand seven hundred and seven*, and so much money (if any such be) of the tax thereby granted, as shall arise and remain (after all the loans made, or to be made upon that act, and the interest thereof, and the charges thereby allowable for raising the said tax, shall be satisfied, or money sufficient shall be reserved to discharge the same) and all the monies lent and to be lent unto

5 Ann. c. 2.

her Majesty upon one other act of this session of parliament, intituled, *An act for continuing the duties upon malt, mumm, cyder, and perry, for the service of the year one thousand seven hundred and seven*, and so much money of the said duties on malt, mumm, cyder, and perry thereby granted, as shall arise and remain (after all the loans made or to be made upon that act, or thereby transferred or directed to be transferred thereunto, and the interest thereof, and the charges thereby allowable for raising the said duties thereby granted, shall be satisfied, or monies sufficient shall be reserved to discharge the same) and the sum not exceeding fifteen hundred thousand pounds to be issued in Exchequer bills, pursuant to another act of this session of parliament, intituled, *An act for continuing the duties on houses, to secure a yearly fund for circulating Exchequer bills*, whereby a sum not exceeding fifteen hundred thousand pounds is intended to be raised for carrying on the war, and other her Majesty's occasions; and the sum not exceeding eleven hundred and twenty thousand pounds, mentioned and intended to be raised by another act of

5 Ann. c. 13.

this session of parliament, intituled, *An act for continuing the duties on low wines, and spirits of the first extraction, and the duties payable by hawkers, pedlers, and petty chapmen, and part of the duties on stamp'd vellum, parchment, and paper, and the late duties on favots, and the one third subsidy of tonnage and poundage, and for settling and establishing a fund thereby, and by the application of certain surplus monies, and otherwise, for payment of annuities to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and seven*; and the said sum not exceeding eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings and six pence farthing, intended to be raised upon this present act, shall be appropriated, issued, and applied, and the same are hereby appropriated for or towards the several uses and purposes herein after expressed (that is to say) For or towards the defraying the charges of the ordinary of her Majesty's navy, and for victuals, wages, wear, tear, and other services of the navy, and the victualling thereof performed, and to be performed, and for the sea service in

5 Ann. c. 19.

the

Ordinary of
the navy and
ordnance.

the

the office of the ordnance, performed, and to be performed; and for or towards the making of a wharf and storehouse at *Portsmouth*; and for or towards the land services performed, and to be performed, by the office of ordnance; and to and for subsistence, off-reckonings, and clearings for one year, from the three and twentieth day of *December*, one thousand seven hundred and six, to her Majesty's guards and garrisons in *England*, and the dominions thereunto belonging (*Ireland* excepted) and the contingent charges of the same, and for payment of invalids for the said year, beginning from the said three and twentieth day of *December*, one thousand seven hundred and six; and for or towards the defraying the charges of her Majesty's army, and such forces as are or shall be added thereunto, in the *Low Countries* or *Germany*, within or for one year, to be reckoned from the said three and twentieth day of *December*, one thousand seven hundred and six, and the contingent charges thereunto belonging; and for or towards her Majesty's proportion of the charge of eight thousand men sent to the assistance of the duke of *Savoy*, for the service of the year one thousand seven hundred and seven; and for or towards the defraying the charge of her Majesty's forces, and additional forces to be employed in *Spain* or *Portugal*, and for the general officers, contingencies, hospitals, forage, and waggon money there, and for the garrison at *Gibraltar*, and for general officers serving the King of *Portugal*, for the said year one thousand seven hundred and seven; and for or towards her Majesty's proportion of the further charges necessary to prosecute the successes already gained by King *Charles* the Third, for the recovery of the monarchy of *Spain* to the house of *Austria*; and for or towards the payment of her Majesty's proportion of the subsidies due upon treaties made or to be made with her Majesty's allies, and other charges for the service of the war, for any time before or until the said five and twentieth day of *December*, one thousand seven hundred and seven; and for the payment of another year's interest on the unsatisfied debentures charged upon the *Irish* forfeitures; and for or towards the transportation of land forces performed and to be performed; and for or towards discharging the *premiums* and other charges for circulating for another year the bills commonly called the Exchequer bills, which were issued before this session of parliament; and for or towards the making good the sum of fifty thousand pounds which was advanced by her Majesty to the duke of *Savoy*, for the better defence of *Turin*, and for the service of the war in *Italy*, in the year one thousand seven hundred and six; and for or towards the making good the sum of forty seven thousand five hundred pounds, being her Majesty's share of a loan to the emperor of *Germany*, for the service of the war in *Italy*, in the said year one thousand seven hundred and six; and for or towards the making good the sum of sixty three thousand six hundred sixty one pounds, thirteen shillings, and six pence, computed for levy-money, pay, and contingencies of the forces sent on the expedition under the command

Wharf at
Portsmouth,
&c.)

Guards and
garrisons.

Armies in the
Low Coun-
tries, &c.

Proportions of
the charge of
8000 men in
Savoy.
Forces in
Spain and
Portugal.
Garrison of
Gibraltar.

Recovery of
Spain.

Treaties with
allies.

Unsatisfied
debentures.

Exchequer
bills.

Duke of
Savoy.

Loan to the
emperor.

Expedition
under earl
Rivers.

command of earl *Rivers*; and for or towards making good a sum not exceeding three thousand and fourteen pounds, for defraying her Majesty's expence for the pay of the general officers of a body of thirteen thousand men of the troops of the King of *Portugal*, pursuant to the treaty in that behalf, until the three and twentieth day of *December*, one thousand seven hundred and six; and for or towards making good a sum not exceeding twenty six thousand six hundred ninety two pounds, thirteen shillings and ten pence, three farthings, for defraying her Majesty's share of the pay of three thousand *Palatine* troops, pursuant to the treaty with the elector *Palatine*, from the seventeenth day of *March*, one thousand seven hundred and five, to the three and twentieth day of *December* following; and for or towards a sum not exceeding thirty seven thousand and twelve pounds, seven shillings, and six pence, for defraying her Majesty's share of the agio bread and forrage, for twelve thousand *Prussians* employed in her Majesty's service in the *Netherlands*; and for or towards a sum not exceeding twenty thousand pounds, for an additional subsidy to the landgrave of *Hesse Cassel* for augmenting his troops, and marching them into *Italy*, and for defraying their expence of bread, waggons, and carriages, and of hospitals for their sick and wounded, for the service of the year one thousand seven hundred and seven; and for or towards the making good a sum not exceeding nineteen thousand seven hundred fifty five pounds, nine shillings, and six pence, for defraying her Majesty's proportion of the agio bread and forrage for the said twelve thousand *Prussians*, from their coming into her Majesty's service, until the said three and twentieth day of *December*, one thousand seven hundred and six; and for or towards the making good a sum not exceeding eleven thousand seven hundred and eighty pounds, and eighteen shillings, for defraying her Majesty's proportion of the extraordinary charge for the augmentation troops of the landgrave of *Hesse Cassel* employed in *Italy*, from the twentieth day of *May*, one thousand seven hundred and six; and for or towards the making good a sum not exceeding thirty four thousand six hundred and seven pounds, thirteen shillings, and five pence half penny, for levy-money to recruit several horses of the foreign troops in her Majesty's pay, that were killed or died of the common distemper in *Flanders*, in the year one thousand seven hundred and five; and for or towards the making good a sum not exceeding eleven hundred forty six pounds, for a further allowance of levy-money for recruiting the horses of the *English* horse and dragoons lost in the same campaign in *Flanders*; and for or towards the making good a sum not exceeding seven thousand five hundred seventy three pounds, for levy-money to recruit other horses of the *English* horse and dragoons, and for officers horses which died of the common distemper after the said campaign there, between the one and thirtieth day of *October*, one thousand seven hundred and five, and the latter end of *February* following; and for or towards the making good a sum not exceeding eleven thousand

Troops of Portugal.

Palatine troops.

Prussian troops.

Landgrave of Hesse Cassel.

Prussians.

Augmentation troops of Hesse.

Levy-money.

thousand two hundred ninety eight pounds, for levy-money for recruiting the horses of the *English* horse and dragoons, which were killed and died of the common distemper in the *Low Countries*, between the first day of *May*, one thousand seven hundred and six, and the one and thirtieth day of *December* following; and for or towards the making good a sum not exceeding sixteen thousand fifty five pounds, twelve shillings and six pence, for defraying her Majesty's share of the levy-money for recruiting the horses of the *Danish* troops in the pay of *England* and *Holland*, that were lost in the same manner between the first day of *January*, one thousand seven hundred and five, and the last day of *October*, one thousand seven hundred and six, and for or towards the making good a sum not exceeding one thousand seven hundred seventy five pounds, for the like loss sustained by the troops of *Hanover* in her Majesty's pay during the last campaign in *Flanders*; and for satisfying and discharging the sum of three hundred ninety eight thousand eighty five pounds ten shillings, mentioned in the fifteenth article of the treaty of union between *England* and *Scotland*, confirmed by acts of parliament in both kingdoms, being the equivalent to be answered by the said article to *Scotland*, for such customs and excise which *Scotland* is to be charged with, and will be applicable to the debts of *England*; and for enabling her Majesty to make a recompence not exceeding two thousand six hundred forty one pounds, to the mayor, aldermen, and citizens of the city of *Carlisle*, for such tolls as they are to be deprived of by the sixth article of the said treaty of union; which recompence is to go to and for the same uses and purposes to which the said tolls ought to have been applied; and for enabling her Majesty to make a recompence, not exceeding five thousand pounds, to *Joseph Musgrave*, *Thomas Musgrave*, and *George Musgrave*, sons of *Sir Christopher Musgrave* baronet, deceased, in full discharge of all tolls in *Westmoreland* and *Cumberland*, that were granted to *Sir Philip Musgrave* baronet, by *King Charles* the Second, and which are specified in the grants of *King James* the Second, and *King William* the Third, to the late *Sir Christopher Musgrave*; and for enabling her Majesty to apply what may be convenient for the better securing the islands of *Nevis* and *St. Christophers*, and supplying them with necessaries in order to a re-settlement; and to no other uses, intents, or purposes whatsoever.

Equivalent money.

Recompence to the city of Carlisle.

XIX. Provided always, That out of the monies to be issued to the guards and garrisons as aforesaid, there shall and may be taken and applied any sum not exceeding eighty seven thousand one hundred twenty five pounds ten shillings, towards the charge of maintaining the soldiers raised and to be raised, for sea service, with their officers, and the contingent charges thereunto belonging; and out of the monies to be issued for the service of the navy and sea services, as aforesaid, there shall be taken and applied such sums as, together with the said sum, not exceeding eighty seven thousand one hundred twenty five pounds ten shillings, shall be necessary for the charge of maintaining the said

For maintenance of the marines.

soldiers.

soldiers for sea service, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithstanding.

C A P. XXVIII.

EXP.

An act for raising the militia for the year one thousand seven hundred and seven, notwithstanding the month's pay formerly advanced be not repaid; and for an account to be made of trophy money.

C A P. XXIX.

An act for ease of her Majesty's subjects in relation to the duties upon salt, and for making the like allowances upon the exportation of white herrings, flesh, oatmeal, and grain called beer, alias bigg, as are to be made upon exportation of the like from Scotland.

5 Ann. c. 2.

Article 2.

For preserving an equality of trade.

Foreign salt imported after 1 May, 1707, to be weighed, cellared, and locked up.

Merchant to have any quantity, &c. not under forty bushels, paying duty in six months.

WHEREAS by the articles of union between the Kingdoms of England and Scotland, which are agreed upon and confirmed by an act of this present parliament, there are certain concessions made for the advantage of her Majesty's subjects of that part of Great Britain called Scotland, in matters relating to the duties upon salt, and other goods and merchandizes, as are herein after-mentioned, whereby her Majesty's subjects in England, trading in salt and other the commodities herein after particularly expressed, will be liable to great disadvantages, unless provision be likewise made for their ease in the said trade: we your Majesty's most dutiful and loyal subjects the commons, in parliament assembled, being desirous that there may be as great an equality of trade as is possible among all your Majesty's subjects, do beseech your Majesty that it may be enacted, and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That all foreign salt that shall be imported into the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, from and after the first day of May, one thousand seven hundred and seven, shall, upon the landing thereof, be weighed, cellared, and locked up in the presence of an officer for the duties on salt, under the custody of the merchant or importer (who is to be at the charge of the cellarage or store-house) and such officer as the commissioners for the duties on salt for the time being, shall appoint, in the port or place where the same shall be so imported and landed; and that it shall and may be lawful to and for the merchant or importer of the said salt, from time to time, in the presence of an officer for the duties on salt, and by warrant or permit, under such officer's hand and seal, to have what quantity thereof his occasions may require, not under a weigh or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months time after the delivery of any such salt; and in case such merchant or importer shall pay ready money upon the delivery of the salt, he shall have after the rate of ten pounds per centum per annum out of the said duties abated him.

II. And

II. And be it further enacted by the authority aforesaid; That if such foreign salt imported, shall not, upon the landing thereof, be secured, as aforesaid, the same shall be liable to payment of duties, and to such penalties and forfeitures, for not paying or securing such duties, as if this act had not been made; and that no salt so cellared and locked up, as aforesaid, shall be removed from any such cellar or place, without notice first given to the officer appointed for that purpose, and without a warrant or permit for conveying the same, as aforesaid, upon pain of forfeiting such salt, and also upon pain of forfeiting ten shillings per bushel, and also the sum of twenty pounds for every such offence, to be recovered from the person or persons who imported the same; and that every carrier, or person who shall carry, convey, or remove any such salt without notice first given to the officer, and without a warrant or permit for conveying the same, shall be liable to the like forfeitures of ten shillings per bushel, and also twenty pounds for every such offence.

Penalty on landing foreign salt not so secured, Or removing it without permit.

III. Provided nevertheless; That where the whole quantity of foreign salt, liable to duty, imported in any ship or vessel, does not amount to forty bushels, the duties shall be paid and secured, according to the provisions made by former laws; any thing herein to the contrary notwithstanding.

Proviso if quantity amount not to forty bushels.

IV. And whereas salt carried coastwise is or may be liable to waste, be it enacted by the authority aforesaid; That any merchant or person who, from and after the said first day of May, one thousand seven hundred and seven, shall ship any English salt, or rock salt, to be carried coastwise, (*viz.*) from one port of England or Wales, or the port of Berwick upon Tweed, to any port of England or Wales, or Berwick upon Tweed, the duties having been paid, or secured to be paid, according to former laws, shall have an allowance made to him, after the rate of three bushels for every forty bushels of English white salt, and after the rate of one bushel and an half for every forty bushels of English rock salt so shipped to be carried coastwise, and proportionably for a greater or less quantity, in consideration of the ordinary waste in the carriage thereof, which allowance shall be made but once for the same salt, although such salt be carried from several ports coastwise, as aforesaid, and the proper officer of the port, where such salt or rock salt shall be first shipped to be carried coastwise, shall not only express the said allowance on the coast cockpit or transire for the same, but also give gratis to the said merchant, or other person there shipping the same, a certificate under hand and seal, of the number of bushels of salt so shipped, and how much the allowance hereby directed to be made at the rates aforesaid doth amount to, which certificate being produced to the officer who first received the duties of the said salt, or took security for the same, the officer last-mentioned shall repay so much money as he received for duties of the said salt, or rock salt, as is to be allowed for waste, as aforesaid; and if the duties thereof shall not then have been paid in money,

Allowances for salt carried coastwise.

This clause explained by 6 Ann. c. 12. s. 1.

12 months allowed for payment of duties on rock salt.

ney,

ney, then the said officer shall discount the said allowance for waste on the said security.

9 months on
other English
salt.

V. And it is hereby enacted, That in all cases where, by the former laws relating to the duties on salt, the time for payment of the duties on rock salt is appointed to be nine months, there shall be twelve months time allowed, instead of the said nine months; and where the time for payment of the duties on other *English* salt is by the said former laws appointed to six months, there shall be nine months time allowed instead of the said six months; and the securities and discounts for prompt payment, after the said first day of *May* next, shall be regulated accordingly.

Allowances
for white her-
rings export-
ed.

VI. And be it further enacted by the authority aforesaid, That for all white herrings, which shall, from and after the said first day of *May*, one thousand seven hundred and seven, be exported from any port or place in the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, to parts beyond the seas, by any person or persons whatsoever, there shall be the like allowances as are to be made upon the exportation of white herrings from *Scotland*, to be paid by the officer appointed to collect the duties upon salt in the same port from whence any such herrings shall be exported, within thirty days after a demand thereof, on a debenture to be prepared by the collector of the customs where such herrings shall be entred out for exportation, and verified by the person executing the office of searcher in such port, as to the quantity of herrings actually shipped, and that the same were well cured, and merchantable, and full packed, and that the oath of the exporter or agent be first taken before the principal officers of the said port, before the debenture be allowed, who are hereby required and empowered to give the said oath. That the herrings in such debenture mentioned were cured with salt, for which the duties had been paid, and not drawn back, and that the same is really exported to parts beyond the seas, and not reloaded or intended to be reloaded in *England*, *Wales*, or *Berwick upon Tweed*; for which debenture no fee or reward shall be taken; and in case the officer hereby directed to pay such debenture, shall not have sufficient money in his hands to pay the same, then upon certificate thereof by him made (which certificate he is hereby required to give the party *gratis*) the principal commissioners for managing her Majesty's revenue of excise upon salt for the time being, shall be chargeable with the said payment, to be made in course out of the first money in their hands arising out of the duties upon salt; and that it shall and may be lawful for the officers of the said duties on salt, in the several and respective ports of the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, upon the exportation of any herrings, as aforesaid, and before the same shall be laid on board for exportation, to mark any cask, barrel, or other vessel, wherein any such herrings shall be exported, to the intent it may be known that such herrings have been exported, and allowances obtained

Further provi-
sion relating
hereto,
6 Ann. c. 12.
c. 3.

Exported and
reloaded, for-
feited, and
20s. per bar-
rel.

obtained on exportation thereof, in case the same, or any part thereof, shall be reloaded and reimported.

VII. And be it further enacted by the authority aforesaid, That in case any such herrings shall, after the same shall be exported, be reloaded or reimported, all the said herrings so reloaded or reimported shall be forfeited and lost, and twenty shillings *per* barrel for every barrel thereof, and so in proportion for a greater or lesser quantity, to be recovered of the importer, or proprietor thereof.

VIII. And be it enacted by the authority aforesaid, That for every barrel of salted beef or pork, which shall be exported for sale from any port of this kingdom, dominion of *Wales*, or town of *Berwick upon Tweed*, to parts beyond the seas, after the said first day of *May*, one thousand seven hundred and seven, by any person or persons whatsoever, there shall be for each barrel the like allowances as are to be allowed upon exportation of such beef and pork exported from *Scotland*, which allowance shall be paid by the officer appointed to collect the duties upon salt, in the same port from whence any such beef or pork shall be exported, within thirty days after demand thereof, on a debenture to be prepared by the collector of the customs where such beef or pork shall be entred out for exportation; and verified by the person executing the office of searcher in such port, as to the quantity of beef and pork actually shipped for sale, and that the same is good and merchantable, and that the oath of the exporter or agent be first taken before the principal officers of the said port, before the debenture be allowed, who are hereby required and impowered to give the said oath, That the beef or pork in such debenture mentioned, was salted with salt for which the duties had been paid, and not drawn back, and that the same is really exported to parts beyond the seas for sale, and that any part thereof was not spent, or intended to be spent for the ship's use, and was not reloaded, or intended to be reloaded; for which debenture no fee or reward shall be taken: and in case the officer hereby directed to pay such debenture, shall not have sufficient money in his hands to pay the same, then upon certificate thereof by him made, (which certificate he is hereby required to give the party *gratis*) the principal commissioners for managing her Majesty's revenues of excise upon salt for the time being, shall be chargeable with the said payment, to be made in course out of the first money in their hands arising out of the duties upon salt: and that it shall and may be lawful for the officers for the said duties on salt, in the several and respective ports of the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, upon the exportation of any beef or pork, and before the same shall be laid on board for exportation, to mark any cask, barrel, or other vessel wherein any such beef or pork shall be exported, to the intent it may be known that such beef or pork has been exported, and allowances obtained on exportation thereof, in case the same, or any part thereof, shall be reloaded or reimported.

Allowances for salted beef, or pork exported, &c.

1 s. 6 d. to be paid per barrel.

Geo. 2. c. 20. § 16.

Revised by Geo. 2. c. 6.

Exported and
relanded,
forfeited, and
40 s. per bar-
rel.

IX. And be it further enacted by the authority aforesaid, That in case any beef or pork shall, after the same shall be exported, be relanded or reimported, all the said beef or pork so relanded or reimported shall be forfeited and lost, and forty shillings per barrel for every barrel thereof, and so in proportion for a greater or lesser quantity, to be recovered of the importer or proprietor thereof.

Allowances
for oatmeal
and beer *alias*
bigg, export-
ed, &c.

X. And whereas by the aforesaid articles of union, it is provided, That from and after the union there shall be certain allowances for all oatmeal, and grain called beer, exported from Scotland, be it enacted by the authority aforesaid, That for all oatmeal, and grain called beer *alias* bigg, which from and after the said first day of May, one thousand seven hundred and seven, shall be exported from any port of this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, to parts beyond the seas, by any merchant, or other person or persons whatsoever, there shall be the like *premium* given upon the exportation thereof, as is to be given upon exportation of oatmeal and beer from Scotland; such merchant or other person first bringing a certificate in writing under his or their hands, containing the quantity of such oatmeal, or beer *alias* bigg, so shipped, to the collector or other person appointed, or to be appointed for the time being, to collect the duties or rates arising by customs within any such port, and making proof of such certificate by one or more credible person or persons upon their oaths, (which oaths the said collector, or other person, is hereby authorized and required to administer) and giving bond in the sum of ten pounds at least for every ton of oatmeal so shipped, consisting of twenty hundred weight, and for every forty bushels of beer *alias* bigg, so shipped, and so proportionably for a greater or lesser quantity, That the same shall be so exported to parts beyond the seas, and not be relanded; which *premium* every merchant, or other person so shipping off any such oatmeal, or beer *alias* bigg, and giving certificate and bond, as aforesaid, shall have and receive from such collector, or other person, as aforesaid, in any port respectively where the same shall be so shipped, out of her Majesty's revenue of the customs, and upon certificate returned under the common seal of the chief magistrate in any place or places beyond the seas, or under the hands and seals of two known *English* merchants upon the place, that such oatmeal, or beer *alias* bigg, was there landed, or upon proof by credible persons that such oatmeal, or beer *alias* bigg, was taken by enemies, or perished in the seas; which proof being made, or certificate delivered to the collector, or other person, who took bond, as aforesaid, the said bond shall be delivered up to such merchant, or other person, or his order, to be cancelled, without any fee for the same.

Penalties, &c.
how distribut-
ed.

XI. And be it enacted by the authority aforesaid, That all penalties and forfeitures given by this or any former law relating to the duties of excise upon salt, shall be distributed in manner following; (that is say) one moiety thereof to the Queen, her

her heirs and successors, and the other moiety thereof to the officer or officers who shall seize, sue, or inform for the same, to be recovered by action of debt, bill, plaint, or information in any of her Majesty's courts of record at *Westminster*.

XII. And be it enacted by the authority aforesaid, and it is hereby declared, That all and every person and persons, who have exported any salt, or rock salt, out of the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, and landed the same in the kingdom of *Ireland*, although the same was entered in *England*, on the exportation thereof, for other foreign parts, and afterwards landed in *Ireland*, such person or persons having so landed the same in *Ireland*, shall be entitled to a debenture or drawback of the said duty of such salt, notwithstanding the same was entered for other foreign parts: and all suits or prosecutions commenced, or to be commenced against any person or persons having exported such salt or rock salt for foreign parts, and landed the same, as aforesaid, shall cease and determine.

Persons having exported salt to Ireland, entitled to a drawback.

XIII. Provided always, and be it further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and seven, there shall be no debenture made out or drawback allowed for any salt or rock salt landed in *Ireland* after the said first day of *May*, one thousand seven hundred and seven, unless the entry of the same salt at exportation; be made for some port in the kingdom of *Ireland*.

But not henceforth, unless entry at exportation be made for some port in Ireland.

XIV. And whereas white salt and rock salt in the exportation from *England* to *Ireland*, are liable to waste, be it therefore enacted by the authority aforesaid, That from and after the said first day of *May*, upon producing such a certificate as is by law required, from the collector and proper officers of the port or place in *Ireland*, of the quantity of what white salt and rock salt was there landed, the exporter or proprietor of such white salt and rock salt shall have an allowance of four bushels for every forty bushels of white salt, and of two for every forty bushels of rock salt put on board in *England* in order to be exported to *Ireland*, in consideration of the ordinary waste in the carriage thereof; and a debenture or debentures shall be issued out gratis accordingly, by the collector or proper officer of the port or place in *England*, from whence such white salt or rock salt was exported, and the same shall be allowed or paid to the exporter or proprietor, in like manner as debentures are or shall be payable for salt exported.

Allowances for waste.

XV. And whereas by an act of parliament made in the first year of the reign of the late King William and Queen Mary of blessed memory, intituled, An act for the encouraging the exportation of corn, it was amongst other things thereby enacted, That every such merchant by the said act described, shipping any malt or barley, rye, or wheat, and giving certificate and bond as the said act directs, shall have and receive from the farmers, commissioners, collectors, or other persons appointed or to be appointed for the time being, to collect the duties and rates arising by customs, within any such port where the

W. & M. (sess. 1. c. 12.)

said corn shall be shipped off, for every quarter of barley or malt, ground or unground, two shillings and six pence; for every quarter of rye, ground or unground, three shillings and six pence; for every quarter of wheat, ground or unground, five shillings: and whereas since the making of the said act there have been divers quantities of malt made of wheat, some part whereof have been exported, and some doubts have arisen touching the bounty-money to be paid upon the exportation thereof, to the discouragement of the exportation of corn: and for clearing thereof, and for preventing future disputes touching the same; be it enacted by the authority aforesaid, That every merchant or other person exporting malt made of wheat, from and after the said first day of May, one thousand seven hundred and seven, shall have and receive of the said farmers, commissioners or persons aforesaid, five shillings for every quarter of malt made of wheat, or wheat malt, ground or unground, to be paid by the respective persons in the said recited act mentioned.

Exporters of malt to have 5 s. per quarter bounty-money.

No exporters of rock salt, &c. to have any greater allowance, &c. on exportation than what was before paid for duty, &c.

10 & 11 W. 3.
c. 28.
1 Ann. stat. 1.
c. 21.
2 & 3 Ann.
c. 14.
4 Ann. c. 12.

Importers of foreign salt chargeable with the duties for the full quantity cellared, &c.

4 Ann. c. 6.
c. 35.

XVI. *And whereas by the several acts of parliament for laying duties on rock salt, and salt refined from rock salt, the exporters of the same draw back more money from the salt revenue than they pay to her Majesty; for prevention thereof, be it enacted by the authority aforesaid, That from and after the said first day of May, one thousand seven hundred and seven, no person or persons who shall export rock salt, or salt refined from rock salt, shall have any other or greater allowance on prompt payment and exportation of the same, by way of debenture, than what really and bona fide was before paid for the duty of the said salt; and that no person giving bond and security for the said duty, payable within the time limited by law, and paying the same in twenty eight days after giving the said security, shall be entitled, on exportation from England, Wales, or Berwick, to any other advantage than to such a debenture as shall discharge the bond and security only given for the payment of the said duty.*

XVII. *And whereas foreign salt imported is allowed to be cellared, or put into warehouses, and the duties thereof are to be paid or secured upon delivery, as in this act is mentioned; be it enacted by the authority aforesaid, That all merchants and other persons importing such foreign salt, from and after the first day of May, one thousand seven hundred and seven, shall be, and are hereby charged with the duties for the full quantity of salt so cellared, or put into warehouses; and if upon clearing any cellar or warehouse, in which the said salt was locked up, there be any want of the said quantity, the importer or importers of the said salt so wanting shall be answerable for the same; any thing herein contained to the contrary notwithstanding.*

XVIII. *And whereas by a clause in an act passed in the last session of this present parliament, intituled, An act for continuing an additional subsidy of tonnage and poundage, and certain duties upon coals, culm, and cynders, and additional duties of excise, and for settling and establishing a fund thereby, and by other ways and means, for payment of annuities to be sold for raising*

raising a further supply to her Majesty, for the service of the year one thousand seven hundred and six, and other uses therein mentioned, *all interest on bonds entred into, and due and payable before the sixth day of February, one thousand seven hundred and five, by merchants and others, for the customs, additional duties, impositions, and other duties on goods and merchandizes imported into the kingdom of England, was thereby discharged, provided the principal sums secured by such bonds were paid before the first day of June, one thousand seven hundred and six; and whereas several merchants and others of the city of Bristol had, before the said first day of June, one thousand seven hundred and six, paid several sums of money, amounting in the whole to the sum of three thousand eighty eight pounds, eight shillings, in to the collector of the customs of the ports there, for the interest of several principal sums of money, upon several bonds by them given for customs, and other duties of goods and merchandize by them imported into the said port of Bristol, which principal monies they had also before that time paid, and which principal monies and interest have been since applied to the use of the publick; and it is equally just that those monies so paid for interest should be allowed back to the said persons, as the other interest should be forgiven to the said persons, pursuant to the said before-mentioned clause; be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord high treasurer, or commissioners of the treasury for the time being, or any three or more of them, to direct the collector of the customs of the said port of Bristol for the time being, out of the monies which shall be at the time of such direction in the hands of such collector, upon account of customs, additional duties, impositions, and other duties on goods and merchandizes respectively, imported there, or which shall from thence next after come into his hands upon that account, and such collector is hereby authorized and required accordingly to refund and repay to the said several merchants and others, (who paid in the said three thousand eighty eight pounds, eight shillings) their executors, administrators, and assigns, the sum and sums of money so paid in by all and every such merchants, or others; and that thereupon, and upon the said collector's producing receipts and acquittances for such sum and sums, such collector shall be allowed the same upon his account, as if the same had been by him paid upon account of drawbacks for goods exported; any law or custom to the contrary notwithstanding.*

Merchants of Bristol, who paid 3088l. 8s. for interest on bonds given for customs, &c.

Lord treasurer to direct collector of customs of Bristol, to repay the same, &c.

C A P. XXX.

An act for the better securing her Majesty's purchase of Cotton House in Westminster.

WHEREAS Sir John Cotton, late of Westminster in the county of Middlesex, baronet, was in the twelfth year of the reign of King William the Third, of glorious memory, seized for the term of his life, with remainder to John Cotton the grandson, (now Sir John Cotton, baronet) and the heirs male of his body, with other remainders, of and in the capital messuage called Cotton House,

House, and the gardens and buildings used and enjoyed with the same being in the parish of St. Margaret's, Westminster, in the county of Middlesex; and being so seized, in the said twelfth year of the reign of the said late King William, at the request of the said Sir John Cotton the grandfather, in the absence of the said Sir John Cotton the grandson beyond the seas, an act of parliament, intitled, An act for the better settling and preserving the library kept in the house at Westminster, called Cotton House, in the name and family of the Cottons, for the benefit of the publick, was made, thereby reciting, That Sir Robert Cotton, late of Connington in the county of Huntingdon, baronet, did, at his own great charge and expense, and by the assistance of the most learned antiquaries of his time, collect and purchase the most useful manuscripts, written books, papers, parchments, records, and other memorials, in most languages, of great use and service for the knowledge and preservation of our constitution both in church and state; which manuscripts and other writings were procured, as well from parts beyond the seas, as from several private collectors of such antiquities within this realm, and are generally esteemed the best collection of its kind now any where extant; and that the said library had been preserved and very much augmented by the late Sir Thomas Cotton, son of the said Sir Robert, and by the said Sir John Cotton, and was lodged in the said Sir John's ancient mansion house at Westminster; and that the said Sir John, in pursuance of the desires and intentions of his said father and grandfather, was content and willing that the said mansion house and library should continue in his family and name, and not be sold or otherwise disposed or imbezilled, and that the said library should be kept and preserved by the name of the Cottonian Library, for publick use and advantage, it is enacted, That from and after the death of the said Sir John Cotton the grandfather, the said mansion house, with the gardens and all other appurtenances, and also all the said library or collection of manuscripts, written books, papers, parchments, records, and other memorials mentioned and named in a schedule then and now remaining in the said library, together with all coins, medals, and other rarities and curiosities in the said library then and now contained, be settled, limited, and vested in the trustees therein after named, to have, hold, and enjoy, to them and their successors for ever, to the uses, intents, and purposes therein mentioned (that is to say) as for the said house, gardens, and appurtenances, other than the rooms where the said library then was, or then after might be lodged, and a convenient way, passage, and resort to the same, at the will and discretion of the heirs of the family, and the library therein after-mentioned, to the only proper use and behoof of the said now Sir John Cotton the grandson and heir of the late Sir John Cotton, and after his decease, to the first and every the son and sons of his body to be begotten, and the heirs male of the body of such son or sons issuing successively, with other remainders as therein are particularly mentioned, remainder to the right heirs of the said Sir John Cotton (now living) grandson and heir of the said late Sir John Cotton, for ever; and as for and concerning the said library and rooms wherein the same then was, or should be contained, together with a convenient passage for

A& for settling
Cotton
Houle and li-
brary.
12 & 13 W. 3.
c. 7.

for resorting thereunto, upon this trust and confidence, that the said Trustees and their successors should and would, from time to time, and at all times hereafter, as occasion should require, inspect, consult, and take care of the said library, and other particulars above-mentioned, and also make and appoint such orders and rules as they shall think proper for the reading and using the same, and for their better preservation; and to the intent or purpose that the said trustees, or the major part of them, should nominate and appoint a good and sufficient person, well read in antiquities and records, to have the immediate care and custody of the said library. And it is thereby further enacted, That the said house, with the appurtenances, and the library, and other particulars aforesaid, should never be subject or liable to any judgments, statutes, recognizances, or any other incumbrances, nor should ever be sold or aliened, forfeited, or forfeitable, upon any account or pretence whatsoever; and further that the lord chancellor or lord keeper for the time being, the honourable Robert Harley, esquire, then speaker of the house of commons, the honourable the speaker of the house of commons for the time being, the lord chief justice of the King's Bench for the time being, Sir Robert Cotton of Hatley St. George in the county of Cambridge, Knight, Philip Cotton of Connington in the said county esquire, Robert Cotton of Giddin in the county of Huntington, esquire, and William Hanbury, of the Inner Temple, London, esquire, shall be the trustees, to and for the purposes aforesaid; and in case of the decease of any of the aforesaid last recited four persons, the said Sir John Cotton the grandson, or other heir male of the said family, who should be in possession, or entitled to the possession of the mansion house, by virtue of the limitations therein recited, should nominate and appoint one or more fit persons to succeed him or them, and supply the place of him or them so dying. And whereas since the making of the said act very little hath been done in pursuance thereof, to make the said library useful to the publick, except what has been lately done at her Majesty's charge, and there is no way or passage to it set out as the act did direct, nor can there be any passage to the same but through the best rooms of the house, which would render the house wholly useless to the family, so that the library cannot be resorted unto; nor have any orders or rules been appointed for reading or using the same, and thereby the publick is wholly deprived of the benefit and advantage designed by the act; and the place wherein the library was then contained, was a narrow little room, damp, and improper for preserving the books and papers; and the condition thereof having been humbly represented to the Queen's most excellent majesty, her Majesty, to the intent so great a treasure of books and manuscripts, so generously given for the publick service, might not remain any longer useless, and in danger of perishing for want of due care; and that it may be in her Majesty's power to make this most valuable collection useful to her own subjects, and to all learned strangers, did give directions for treating with the said Sir John Cotton for the purchase of the said Cotton House and gardens, and an agreement has been made for the purchasing the inheritance thereof; for the sum of four thousand five hundred pounds; which her Majesty hath

Trustees for
managing the
library.

Cotton house
purchased by
the Queen for
4500l.

shall be directed to be paid on the investing the inheritance of the premises in her Majesty, her heirs and successors, which cannot be done but by act of parliament, the said recited act having directed it may not be sold or aliened: may it therefore please your most excellent Majesty, at the humble suit and petition of the said Sir John Cotton the grandson, that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said capital messuage, called *Cotton House*, and the gardens and buildings used and enjoyed with the same, with their appurtenances, shall be, and are hereby vested in her Majesty, her heirs and successors; and her Majesty, her heirs and successors, shall for ever have, hold, and enjoy the same, against the said Sir John Cotton the grandson, and against all and every the sons of the said Sir John Cotton, to be begotten, and the heirs male of the bodies of such son or sons, and against all and every other person and persons claiming or to claim by virtue of any of the uses or limitations contained in the said recited act, and against the heirs of the bodies of Sir Thomas Cotton, and dame Alice his wife, both deceased, and against the right heirs of the said Sir Thomas Cotton, and against all and every person and persons claiming or to claim, by, from, or under the said Sir John Cotton deceased, and freed and discharged of and from their respective titles and estate,

Cotton House and gardens, &c. vested in the Queen, her heirs, &c.

A convenient room to be built for the library,

and to be called the Cottonian library.

Trustees appointed.

II. And it is hereby further enacted and declared, That a convenient room shall be built on or near part of the said ground, hereby intended to be vested in her Majesty, as her Majesty, her heirs and successors, shall by writing under the sign manual appoint; in which room, when built, all the said manuscripts, written books, papers, parchments, records, and other memorials, as also all coins, medals, and other rarities and curiosities in the said library contained, shall be lodged, and there remain to all posterity; and the said room, when built, shall for ever be called and known by the name of the *Cottonian Library*; and from the building thereof, the said library shall be managed and directed by the lord chancellor or lord keeper of the great seal of England for the time being, the honourable Robert Harley, Esq; principal secretary of state, the honourable the speaker of the house of commons for the time being, the lord chief justice of the Queen's Bench for the time being, Sir Robert Cotton of Hatley St. George in the county of Cambridge, Knt. Philip Cotton of Conington in the said county, Esq; Robert Cotton of Giddis in the county of Huntington, Esq; and William Hanbury of the Inner Temple London, Esq; and their successors, as trustees to and for the use of the publick for ever; and in case any of the said recited four persons should happen to die, the said Sir John Cotton, or other heir male of his family for the time being, shall nominate and appoint one or more fit person or persons for the time being, to succeed him or them, and to supply the place of him or

or them so dying, and so *toties quoties*, as any of the said last four trustees, or others succeeding them shall happen to die.

III. And be it enacted by the authority aforesaid, That all the said manuscripts, written books, papers, parchments, records, and other memorials, as also all coins, medals, rarities, and curiosities in the said library; hereby intended to be lodged in the said room when rebuilt, shall be under the same regulations, directions, and management of the said trustees, to all intents and purposes, as the present library and every thing therein contained, now is by the said recited act liable and subject to; and a fit person for library keeper, shall be appointed by the said trustees from time to time as they or the major part of them, shall think fit; and the said library, and library keeper, shall be in every respect under the same directions and government as the present library and library keeper by the said recited act are subject to, except where the same is herein particularly altered.

library to be under the same regulations as at present.

IV. Saving to all and every person and persons, bodies politic and corporate, their heirs and successors (other than and except the said Sir *John Cotton* the grandson, and his son and sons, begotten or to be begotten, and the heirs males of the bodies of such son and sons, and other than the person and persons claiming or to claim by virtue of, or under any of the uses or limitations contained in the said recited act, and other than the heirs of the bodies of Sir *Thomas Cotton* and dame *Mice* his wife, and other than the right heirs of the said Sir *Thomas Cotton*, and other than the person and persons claiming or to claim, by, from, or under the said Sir *Thomas Cotton* deceased) all such right, title, estate, interest, or demand; into or out of the said premises hereby vested in her Majesty as aforesaid, as they or any of them had or might enjoy if this act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

Salvo of right to all persons, &c. Exception.

V. And to the intent that an equivalent in lieu of the said house, called *Cotton House*, gardens and buildings, hereby vested in her Majesty, may be settled to the same uses the said house gardens and buildings were settled and limited by the said recited act of parliament; be it further enacted by the authority aforesaid, That the said Sir *John Cotton*, or his heirs, shall before or at the time of receiving the said four thousand five hundred pounds from her Majesty by good and sufficient conveyances and assurances in the law, convey and assure lands, tenements, and hereditaments of inheritance in the counties of *Huntingdon* or *Bedford*, or one of them, part of the present estate of the said Sir *John Cotton*, of the clear annual value of three hundred pounds beyond ordinary reprises, free from all incumbrances, to the use of him the said Sir *John Cotton*; for and during the term of his natural life, and after his decease, to the use of the first, and every other son and sons of the body of the said Sir *John Cotton* to be begotten, and the heirs males of the body of such son or sons issuing successively; and for default of such issue,

Sir John Cotton to settle 300l. per annum in lieu of Cotton House.

To the use of himself, &c.

issue, to the use of *Thomas Cotton*, brother of the said Sir *John Cotton*, for the term of his natural life; and after his decease, to the use of the first and every other son and sons of the body of the said *Thomas* to be begotten successively, and to the heirs males of the body of such son and sons; and for default of such issue, to the use of *Robert Cotton of Giddin* in the county of *Huntingdon*, Esq; uncle of the said Sir *John Cotton*, for the term of his natural life; and after his decease, to the use of *John Cotton*, son of the said *Robert Cotton*, for his natural life; and after his decease, to the use of the first and every other son and sons of the said *John Cotton* to be begotten successively, and the heirs males of their bodies issuing; and for default of such issue, to the use of all and every other the son and sons of the body of the said *Robert* to be begotten, and the heirs males of the bodies of such son or sons successively; and for default of such issue, to the use of *Sir Robert Cotton of Hatley St. George* in the county of *Cambridge*, knight, for his natural life; and after his decease, to the use of the first and every other son and sons of his body to be begotten, and the heirs males of the bodies of such son and sons issuing successively; and for default of such issue, to the use of *Philip Cotton of Connington* in the county of *Cambridge*, esq; for his natural life; and after his decease, to the use of the first and every other son and sons of his body to be begotten, and the heirs males of the bodies of such son and sons issuing successively; and for default of such issue, to the use of *Thomas Cotton of Cotton* in the county palatine of *Chester*, esq; for the term of his natural life; and after his decease, to the use of the first and every other the son and sons of his body to be begotten, and the heirs males of the bodies of such son and sons issuing successively; and for default of such issue, to the use of the right heirs of the said Sir *John Cotton* for ever.

Lands, &c.
when settled
not to be sub-
ject to future
judgments,
&c.

VI. And be it enacted by the authority aforesaid, That the said lands, tenements, and hereditaments, when settled as aforesaid, shall never be subject or liable to any future judgments, statutes, recognizances, or incumbrances, nor shall ever be sold or aliened, forfeited or forfeitable by the said Sir *John Cotton*, or any other of the said persons in remainder, upon any account or pretence whatsoever.

C A P. XXXI.

An act for the encouraging the discovery and apprehending of house-breakers.

I. **WHEREAS** the crimes of burglary and breaking open houses in a felonious manner, are of late years become more frequent than formerly, to the great disquiet, terror, and impoverishing of many of your Majesty's good subjects; which crimes might be, in great measure, prevented, if due encouragement be given to such as shall vigorously endeavour the discovery and apprehending of such malefactors, and some severe punishment inflicted on such as shall receive or buy stolen goods, and harbour and protect the said offenders: for remedy whereof, be it enacted by the Queen's most excellent

lent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of *May*, one thousand seven hundred and seven, all and every person and persons who shall apprehend and take any person or persons guilty of burglary, or the felonious breaking and entering of any house in the day time, and prosecute him, her, or them so apprehended and taken, until he, she, or they be convicted of such burglary or felony, shall have and receive, over and above the rewards given by one act of parliament made at *Westminster*, in the tenth and eleventh years of the reign of his late majesty King *William* of glorious memory, intituled, *An act for the better apprehending, preventing, and punishing of felons that commit burglary, house-breaking, or robbery in shops, warehouses, coach houses, or stables, or that steal horses*, the sum of forty pounds within one month after such conviction, to be paid by the sheriff or sheriffs of the county where such felony or burglary shall be made and done, without any fee for the same, to the person or persons so taking, apprehending, and prosecuting the said offenders, he and they rendering a certificate to the said sheriff or sheriffs, under the hand or hands of the judges or justices before whom such felon shall be convicted for such burglary or felony, certifying the conviction of such felon for the said offence or offences, and in what parish the same was committed, and also that such felon or felons was or were taken by the person or persons claiming the said reward; and in case any dispute shall happen to arise between the persons so apprehending any the said felons, touching their right and title to the said reward, That then the said judge or justices so respectively certifying as aforesaid, shall in and by their said certificate direct and appoint the said reward to be paid to and amongst the parties claiming the same, in such share and proportions as to the said judge or justices shall seem just and reasonable; and if it shall happen that any such sheriff or sheriffs shall die or be removed before the expiration of one month after such conviction, and demand made of the said reward (not being paid as aforesaid) that then the next succeeding sheriff or sheriffs shall pay the same within one month after demand, and certificate brought as aforesaid; and if default of payment of the said sum or sums of money shall happen to be made by any sheriff or sheriffs, such sheriff or sheriffs so making default shall forfeit to the person or persons to whom such money is due as aforesaid, double the sum or sums of money he or they ought to have paid, to be recovered by him or them, or his or their executors or administrators, in any of her Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein but one imparlance, and no essoins, protection, or wager of law shall be allowed, with treble costs of suit, by him or them expended in the recovery of the same.

II. And be it further enacted, That in case any watchmen, or any other person or persons shall happen to be killed by any other kill'd in such pursuit of

Apprehenders of burglars, &c. to have 40l. over and above the rewards by 10 & 11 W. 3. c. 23.

payable by sheriff.

Justices in case of dispute to direct in their certificate how reward shall be paid.

house-breaker, his executor, &c. entitled to the 40l. by 3 Geo. 1. c. 15. s. 4.

Sheriffs may apply to the treasury without charging this money in their accounts.

Sheriffs to deduct monies so paid on their accounts.

and be repaid by lord treasurer.

Felon, &c. discovering two or more felons, shall on conviction be entitled to reward.

and be pardoned.

Buyers or receivers of stolen goods, &c. made accessories, &c.

such burglar or house-breaker, endeavouring to apprehend, or in making pursuit after him or them, that then the executors or administrators, or such person or persons to whom the right of administration of the personal estate of such person so killed shall belong, upon certificate delivered under the hands and seals of the judge or justices of assize of the county where the fact was committed, or the two next justices of the peace, of such person or persons being so killed, which certificate the said judge or justices, upon sufficient proof before them made, are immediately required to give without fee or reward, shall receive the sum of forty pounds from the sheriff or sheriffs of the county where the said fact was done and committed; and upon failure of payment thereof by the said sheriff or sheriffs, double the sum of forty pounds to be recovered against them, with treble costs of suit, in manner and form as aforesaid.

III. And it is hereby further enacted, That all sheriffs, their executors, and administrators, upon producing such respective certificates, and the receipts for the money paid by them, in pursuance of this act, shall be allowed, and are hereby empowered to deduct, upon their accounts, all monies, other than double the sum and sums of money, and treble costs of suit, which they shall disburse as aforesaid; and that if upon account of any sheriff or sheriffs, there shall not be money sufficient in the hands of such sheriff or sheriffs to reimburse him or them such monies paid by him or them by virtue of this act, that then the sheriff or sheriffs having so paid the said monies, shall have the same repaid by the lord treasurer, or commissioners of her Majesty's treasury for the time being, out of the revenue of the crown, upon certificate from the clerk of the pipe to that effect.

IV. And be it further enacted, That if any person or persons, being out of prison, shall from and after the said tenth day of *May*, commit any burglary or felony as aforesaid, and afterwards discover two or more persons who already have, or hereafter shall commit any such burglaries or felonies, so as two or more of the persons discovered shall be convicted of such burglary or felony, any such discoverer shall himself have the like reward and allowance of forty pounds hereby promised to be paid to the person or persons who shall apprehend and convict house-breakers, and all other advantages given to such taker and profecutor, and shall also be himself entitled to the gracious pardon of her Majesty, her heirs and successors, for all burglaries, robberies, and felonies (except murder and treason) by him committed at any time or times before such discovery made, which pardon shall be likewise a good bar to any appeal brought for such burglary, robbery or felony.

V. And forasmuch as the said felons are much encouraged to commit such burglaries and felonies, because a great number of persons make it a trade to receive and buy of the said felons the goods so by them feloniously taken, and also do make it their business to harbour and conceal the said offenders after the said facts, knowing the said felonies

felonies and burglaries to have been by them committed; be it therefore enacted by the authority aforesaid, That if any person or persons shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour, or conceal any burglars, felons, or thieves, knowing them to be so, shall be taken and received as accessary or accessaries to the said felony or felonies; and being of either of the said offences legally convicted, by the testimony of one or more credible witnesses, shall suffer and incur the pains of death as a felon convict.

VI. Provided always, That if any such principal felon cannot be taken, so as to be prosecuted and convicted for any such offence, yet nevertheless it shall and may be lawful to prosecute and punish every such person and persons buying or receiving any goods stolen, by any such principal felon, knowing the same to be stolen, as for a misdemeanor, to be punished by fine, and imprisonment, or other such corporal punishment as the court shall think fit to inflict, although the principal felon be not before convict of the said felony, which shall exempt the offender from being punished as accessary, if such principal felon shall be afterwards taken and convicted.

VII. Provided always, and be it enacted by the authority aforesaid, That the judge or justices (before whom such felons and house-breakers shall be convicted, as aforesaid) shall determine and settle the right, rights, and shares of such respective persons, who by virtue of this act shall be entitled to the certificate herein directed to be given, and shall also (being thereunto required) make out and deliver, or cause to be made out and delivered the said certificate without fee or reward to such person or persons entitled thereunto, before the end of such assizes or sessions wherein such conviction, as aforesaid, shall be had.

VIII. *And whereas the offences mentioned in this act are generally committed in London and Middlesex, and the rewards hereby granted being to be paid by the under-sheriffs of the said counties, by reason whereof they will be obliged to disburse great sums of money*; be it therefore enacted by the authority aforesaid, That no sheriff of London and Middlesex, shall accept, demand, take, or receive of his or their under-sheriff, directly or indirectly, either by himself, or any person or persons in trust for him or them, any sum or sums of money, gratuity or present whatsoever, for the execution of the place of under-sheriff; nor in any manner oblige his or their under-sheriff by covenant, promise, or otherwise to be at any expence or charge in relation to the said place of under-sheriff, which ought and hath been usually paid and disbursed by the high-sheriff; except the rewards given by this, or any other act for the apprehending highwaymen, clippers, coiners, and house-breakers, and the fees of passing such high-sheriffs accounts in the Exchequer, and such other disbursements as hath been heretofore customarily sustained by the under-sheriff.

CAP. XXXII.

An act for the continuance of the laws for the punishment of vagrants, and for making such laws more effectual.

11 & 12 W. 3.
c. 18.

1 Annæ, stat.
2. c. 13.

Acts for punishment of vagrants, &c. continued for seven years.
E X P.

WHEREAS an act of parliament made in the eleventh and twelfth years of the late King William, intituled, An act for the more effectual punishment of vagrants, and sending them whither by law they ought to be sent, was continued by another act made in the first year of her present Majesty's reign, intituled, An act for continuing former acts for the exporting leather, and for the ease of janors, and for making more effectual an act relating to vagrants, for the space of three years, from the expiration of the said first act made in the eleventh and twelfth years of King William, and from thence to the end of the next session of parliament, and no longer: And whereas the said acts have been found of good use for lessening the charge, and preventing the abuses and frauds in conveying of vagrants, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said several acts made in the eleventh and twelfth years of King William, and in the first year of her Majesty's reign, and every article, clause, matter, and thing in them, and each of them contained, relating to vagrants, shall from henceforth continue and be in full force, and be put in practice and execution, according to the true intent thereof, from the expiration of the said last-mentioned act, for the space of seven years, and from thence to the end of the next session of parliament, and no longer.

How allowances and expences in passing of vagrants shall be raised.

Altered by
17 Geo. 2. c.
5. s. 16, &c.

III. *And for the better raising of what monies shall be found necessary to satisfy the allowances made to justices, and others, for their loss of time, and expences in passing of vagrants, in pursuance of the acts before-mentioned, in as much as the methods already provided for raising the same, have in many places been found impracticable, be it further enacted by the authority aforesaid, That where the gaol and marshalsea money shall not be sufficient to satisfy and pay the said allowances, the justices of peace within the several limits of their commissions, shall in such case at any time or times hereafter, have full power and authority at their general or quarter sessions of the peace, to assess upon every town, parish, or place within their respective commissions, such sum and sums of money, as they in their discretion shall think reasonable for satisfaction of the allowances made to justices, and others, for their loss of time, and expences in passing of vagrants, and that the money so assessed shall be levied and collected according to the rules and methods prescribed by an act of parliament now in force, for the levying and collecting of money for the repair of county bridges; and that the monies so levied and collected shall be disposed of in such manner as the said justices, by their order at such sessions, shall in that behalf direct and appoint.*

22 H. 8. c. 5.
1 Annæ, stat.
2. c. 18.

III. And be it further enacted, That where there are two or more treasurers for one and the same county, riding, liberty, or division, the treasurers thereof shall be and are hereby obliged to give obedience to such order or orders as shall be made by the justices of the peace, in pursuance or by virtue of this act, at their first general quarter sessions, to be held quarterly for every county, riding, liberty, or division, for the discharge of all such sums as shall arise by or from the conveyance of vagrants through every such county, riding, liberty or division: provided, That all such charges be levied according to the customary rate of gaol or bridge money; and that no such order or orders shall take place or be effectual, till such time as the treasurer or treasurers to whom such order or orders shall come, have money in their hands sufficient for the payment thereof.

Treasurers to obey justices orders.

If they have money in their hands.

IV. And whereas it is by experience found, That the constables rates have sometimes been very unjust and grievous to the inhabitants of their respective townships or constaberies; be it enacted by the authority aforesaid, That if any person or persons shall find him or themselves grieved by the demands for disbursements, which any the constables, headboroughs or tything-men throughout this realm shall charge upon, or require of the parishes or towns unto which they or any of them shall or do belong, or by any lease, tax, rate, or other act done by any of the said constables, headboroughs, or tythingmen, or other person whatsoever, which may any ways concern or relate to any of the aforesaid demands, it shall and may be lawful for such person and persons to appeal to the justices at their next general quarter sessions which shall be held for that county in which any such cause of complaint shall arise, as often as there shall be any occasion for complaint, which justices, or the greater number of them, shall take order therein, as to them shall seem meet, and the judgment of the justices of such county, as aforesaid, at their quarter sessions, shall conclude and bind all parties.

Persons aggrieved may appeal to the sessions.

V. And whereas some doubts and disputes have been made about the privilege and jurisdictions of liberties and towns corporate, that lie and are within several counties of this realm, wherein the justices of the peace, and chief magistrates of the said liberties and towns corporate, do keep separate or distinct quarter sessions of their own, and have separate treasurers for their said corporations and liberties, or such like public stocks, whether all such liberties and towns corporate shall be taken and deemed as counties at large, for the several purposes and provisions mentioned in the acts intended to be continued by this act: for the quieting and preventing all such doubts and disputes, be it further enacted by the authority aforesaid, That the justices of the peace, chief magistrates, treasurer, constables, and other officers residing in the said liberties and towns corporate, shall in the certifying and conveying of passengers, vagabond beggars, and other idle persons, and raising and paying of money, act in such liberties and towns corporate, as they were by the said acts impowered and directed to do in counties at large.

How justices shall act in liberties and towns corporate.

C A P. XXXIII..

An act for obliging John Rice to account for debentures granted to him in the last session of parliament.

C A P. XXXIV.

An act for continuing the laws therein mentioned, relating to the poor, and to the buying and selling of cattle in Smithfield, and for suppressing of piracy.

WHEREAS the temporary laws following, which by experience have been found useful and beneficial, are expired or near expiring, therefore, for continuing the same, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, *An act for the better relief of the poor of this kingdom*, which was enacted to have continuance (except what related to the corporations therein mentioned, and thereby constituted) until the twenty ninth of *May*, one thousand six hundred and sixty five, and from thence to the end of the first session of the next parliament; which said act, by an act made in the first year of the reign of the late King James the Second (except what related to the corporations therein mentioned, and thereby constituted) was enacted to be in force from the first day of *May*, one thousand six hundred eighty five, and so to continue for the space of seven years; and from thence to the end of the next session of parliament; and by an act made in the third and fourth years of the reign of his late majesty King William, the said act (as to what therein related to the settlement of the poor) was enacted to be in force from the first day of *March*, one thousand six hundred ninety one; but no provision was thereby made for continuing divers other parts of the said act; which said act, for the better relief of the poor of this kingdom, as to all parts thereof not mentioned and continued in and by the said act made in the third and fourth years of the reign of their late Majesties (other than, and except what relates to the corporations mentioned in the said act for the better relief of the poor of this kingdom, and thereby constituted) was, by an act made in the fourth and fifth years of the reign of their late Majesties, continued for the space of seven years, from the thirteenth day of *February*, one thousand six hundred ninety two, and from thence to the end of the next session of parliament; which said act afterwards, by an act of the eleventh and twelfth years of King William, intituled, *An act for continuing several laws therein mentioned*, was continued for seven years, from the twenty ninth day of *September*, one thousand seven hundred, shall be in force from the 12 Annæ, stat. five and twentieth day of *March*, one thousand seven hundred and seven (except what relates to the corporations therein mentioned,

13 & 14 Car.
2. c. 12. for
relief of poor
continued for
7 years.

1 Jac. 2. c. 17.

3 & 4 W. &
M. c. 11.

4 & 5 W. 3.
c. 24.

11 & 12 W. 3.
c. 13.

Made perpetual
12 Annæ, stat.
1. c. 18.

tioned, and thereby constituted) for seven years, and from thence to the end of the next session of parliament.

II. And be it further enacted by the authority aforesaid, That so much of an act made in the twenty second and twenty third years of King Charles the Second, intituled, *An act to prevent frauds in the buying and selling of cattle in Smithfield and elsewhere*, which relates to the preventing butchers within the cities of London and Westminster, or ten miles thereof, to buy fat cattle, and sell the same again to any other butcher, either alive or dead; as also so much as relates to the preventing fat cattle bought in Smithfield in one market to be sold there again alive; which was expired, and was afterwards, by an act made in the first year of the reign of the late King James the Second, enacted to be in force from the four and twentieth day of June, one thousand six hundred eighty five, for seven years, and from thence to the end of the next session of parliament, with a proviso, That the said act should not extend to salesmen or factors employed by farmers or feeders; and the said acts were after continued by an act made in the fourth and fifth years of King William and Queen Mary for seven years, from the thirteenth of February, one thousand six hundred ninety two; and by another act made in the eleventh and twelfth years of King William, was continued for seven years, from the twenty ninth day of September, one thousand seven hundred, shall be continued, with all the clauses and provisos therein mentioned (except one clause which was afterwards repealed by an act made in the twenty fifth year of the reign of King Charles the Second, intituled, *An act for repeal of a clause in a former act to prohibit salesmen from selling fat cattle*) for and during the space of seven years, after the said twenty fifth day of March, one thousand seven hundred and seven: and whereas there is, notwithstanding the provision of the aforesaid act, a pernicious practice, now in use, for one butcher to buy a greater quantity of fat cattle or sheep than he can vend, unless by selling them again to other butchers, which reduces the number of buyers in Smithfield, and may be a very great inconvenience both to the graziers and housekeepers, by subjecting both the one and the other to such price as they shall think fit to give or demand; be it therefore enacted by the authority aforesaid, That from and after the twenty ninth day of September, one thousand seven hundred and seven, no person using the trade of a butcher, shall sell, or offer to sale, in any market or elsewhere, either by himself or any servant or agent whatsoever, within the cities of London and Westminster, or within ten miles thereof, to any person or persons exercising or using the trade of a butcher, any fat cattle or sheep, either alive or dead, upon pain to forfeit the value of the cattle, or of each sheep so sold or offered to sale as aforesaid; one moiety of which forfeiture shall be to the Queen's majesty, her heirs and successors, and the other moiety to him or them, that will sue for the same in any of her Majesty's courts of record, by action of debt, bill, plaint, or information, wherein

22 & 23 Car. 2.
c. 19. to prevent frauds in buying and selling of cattle, continued for 7 years.

1 Jac. 2. c. 17.

4 & 5 W. & M. c. 24.

11 & 12 W. 3. c. 13.

Except one clause.

25 Car. 2. c. 44
E X P.

From 29 Sept. 1707. no butcher to sell in any market within 10 miles of London to another butcher any fat cattle or sheep, dead or alive, by 7 Anna, c. 6. One butcher may sell to another dead calves, &c.

no esbin, protection, or wager of law shall be allowed, or any more than one imparlance.

23 & 24 W. 3.
c. 7. for sup-
pressing pira-
cy, continued.
Made perpetual
6 Geo. 1. c. 19.
Amended 18
Geo. 2. c. 30.

III. And be it further enacted by the authority aforesaid, That an act made in the eleventh and twelfth years of King *William*, intituled, *An act for the more effectual suppressing of piracy*, which was to be in force for seven years, and from thence to the end of the next session of parliament, shall be and remain in full force for the space of seven years, and from thence to the end of the next sessions of parliament.

Full costs on
recovery of
penalty.

IV. And be it further enacted by the authority aforesaid, That upon recovery of any penalty or forfeiture imposed or given in and by this present act, full costs shall be allowed the plaintiff.

Anno Regni ANNÆ Reginae sexto.

• In the record is added, and by adjournments continued till the first day of April in the seventh year of her Majesty's reign. E X P.

AT the parliament begun and holden at Westminster the twenty third day of October, Anno Dom. 1707, in the sixth year of the reign of our sovereign lady Anne, by the grace of God, of Great Britain, France, and Ireland, Queen, defender of the faith, &c. *

CAP. I.

An act for granting an aid to her Majesty, to be raised by a land tax in Great Britain, for the service of the year one thousand seven hundred and eight.

CAP. II.

An act for repealing and declaring the determination of two acts passed in the parliament of Scotland; the one intituled, An act for the security of the kingdom; the other, Act anent peace and war.

WHEREAS by the third act of the second session of the last parliament held in Scotland, intituled, Act for the security of the kingdom, divers provisions were made for such purposes, and in such manner as is therein contained; and whereas in the first session of that parliament one other act passed, intituled, Act anent peace and war; which said last-mentioned act, and also the first herein before-mentioned act, or the greatest part thereof, are inconsistent with the terms of the articles of union, and upon the union became void: to the end therefore that no doubt may remain touching the continuance of the said acts, or either of them, or any part thereof; may it please your most excellent majesty that it may be declared and enacted; and be it declared and enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the herein before-mentioned acts, and each of them, and every part thereof,

Two Scotch
acts repealed.

thereof, shall from henceforth be adjudged; deemed, and taken to stand and be absolutely repealed, and to cease and become void.

C A P. III.

An act for better securing the duties of East India goods.

WHEREAS by an act of parliament made in the ninth year of ^{9 & 10 W. 3^d} the reign of his late Majesty King William the Third, of ^{c. 44} glorious memory, intituled, An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies; it was enacted, That no company, or particular person or persons who should have a right, in pursuance of the said act, to trade to the East Indies, or other the parts within the limits of the said act mentioned, should be allowed to trade thither, until sufficient security was first given (which the commissioners of the customs in England, or any three or more of them for the time being, were thereby authorized and required, to take, in the name and to the use of his said late Majesty, his heirs and successors) That such company or particular persons should cause all the goods, wares, merchandizes, and commodities, which at any time or times afterwards, during the continuance of the said act, should be laden by or for them, or any of them, or for their or any of their accounts, in any ship or ships whatsoever bound from the East Indies, or parts within the limits mentioned in the said act, should be brought (without breaking bulk) to some port of England or Wales, and there be unladen and put on land (the danger of the seas, enemies, pirates, restraints of princes and rulers, and bartrary of seamen excepted :) and whereas the said act, and the security to be given in pursuance thereof, have been by experience found not to be sufficient to hinder and prevent the unloading or putting on shore in divers places and countries other than the kingdom of England or dominion of Wales, great quantities of goods brought from the East Indies, or some port or places within the limits mentioned in the said recited act, to the great loss of her Majesty's customs, and the trade and navigation of this kingdom in general: and whereas some difficulties have arisen touching the acceptance of the security directed by the said act; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same. That the security to be hereafter given in pursuance of the said act, shall be after the rate of two thousand five hundred pounds for every hundred ton the ships or vessels shall be respectively let for, that shall be sent to the said East Indies, or other parts within the limits in the said act mentioned, and so proportionable for any lesser part than an hundred tons; and that the English company trading to the East Indies shall for each ship or vessel which shall be sent out from Great Britain, and employed by them, or for their account, give security as aforesaid, by their common seal; the condition whereof shall be in the form following, viz:

2500l. security to be given for every hundred ton that ship sent to the East Indies shall be let for. Company to give such security.

Form of the
condition.

WHEREAS in pursuance of an act of parliament made in the ninth year of his late Majesty's reign, intituled, An act for raising a sum not exceeding two millions, upon a fund for payment of annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies, the ship

whereof captain
is master, of the burthen of _____ tons, is, under the regulation of the said act, bound out upon a voyage to the East Indies, or other parts within the limits prescribed by the said act, with a cargo or loading of goods, upon account of the above bound English company trading to the East Indies: the condition of this obligation is such, That if all the goods, wares, merchandizes, and commodities which shall at any time or times hereafter, during the continuance of this present intended voyage, be laden by or for the said company, or any of them, or for their, or any of their accounts in the said ship, from the said East Indies, or parts aforesaid, shall be, without breaking bulk, brought to some port of Great Britain, and there be unladen and put on land (the danger of the seas, enemies, pirates, constraint of princes and rulers, barratry of seamen, and necessary provisions, stores and merchandizes for the people and garrison of St. Helena, only for their own proper consumption excepted) then this obligation shall be void, or else shall remain in full force, effect, and virtue.

All goods
shipt in India,
&c. to be un-
laden in Great
Britain, except
necessaries for
St. Helena.
By 13 Geo. 1.
c. 8. deliver-
ing Negroes,
as mentioned
in the act, not
to be deemed
breaking bulk.

Penalty on
landing else-
where.

II. And that besides the several and respective securities to be given by this or the said former act against breaking bulk, all the goods, wares, merchandizes, and commodities which shall be laden in the East Indies, or other the parts within the limits mentioned in the said act, upon any ship or vessel belonging to any of her Majesty's subjects, with intent to be transported out of and from the said East Indies, or other the parts within the limits aforesaid, the same shall be brought to some port of Great Britain, and there shall be unladen and put on shore (necessary provisions, stores, and merchandizes for the people and garrison of St. Helena, for their own proper consumption only, excepted) and except also where the breaking of bulk or landing of goods in breach of this or the said former act shall happen to be by the danger of the seas, enemies, pirates, restraint of princes or rulers, or barratry of seamen, on pain of forfeiting all such goods which contrary to this act shall be landed elsewhere than in some port of Great Britain, or the value thereof, to be recovered, one moiety thereof to her Majesty, her heirs and successors, and the other moiety thereof to the person or persons who shall seize, inform, or sue for the same in any of her Majesty's courts of record at Westminster, wherein no essoin, protection, or wager of law shall be allowed.

CAP. IV.

EXP.

An act for charging and continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eight.

CAP.

CAP. V.

An act for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses, by sale of annuities charged on a fund, not exceeding forty thousand pounds per annum, to arise by appropriating several surplusses, and by granting further terms in the duties on low wines, and on hawkers, pedlars, and petty chapmen, the stamp duties, the one third subsidy, the duty on sweets; and one of the branches of excise, and by making other provision in this act mentioned.

MOST gracious Sovereign, Whereas in and by an act of parliament made in England in the fourth year of your Majesty's reign (intituled, An act for continuing an additional subsidy of tonnage and poundage, and certain duties upon coals, culm, and cynders, and additional duties of excise, and for settling and establishing a fund thereby, and by other ways and means, for payment of annuities to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and six, and other uses therein mentioned) *the additional subsidy of tonnage and poundage, and other duties (commonly called the one third Subsidy) payable for and upon wines, goods, and merchandizes, which were thereby granted to your Majesty for the term of ninety eight years, from the eighth day of March, one thousand seven hundred and six; and the duties upon coals, culm, and cynders by the same act granted or continued from the fourteenth day of May, one thousand seven hundred and eight, until the thirtieth day of September, one thousand seven hundred and ten; and the particular rates and duties of excise thereby granted for the term of ninety five years, from the seventeenth day of May, one thousand seven hundred and thirteen; and all the monies to arise by virtue of an act of the fifth year of the reign of their late majesties King William and Queen Mary, of glorious memory, of or for the duties of excise thereby granted, after paying off, or reserving sufficient to pay off the lottery annuities therein mentioned, together with other monies mentioned in the said act of the fourth year of your Majesty's reign, are appropriated and made liable to the payment of certain annuities purchased thereupon, not exceeding one hundred eighty four thousand two hundred forty two pounds and fourteen shillings per annum, for ninety nine years, from Lady day one thousand seven hundred and six, payable at the receipt of the Exchequer; which subsidies, rates, duties, and other funds or provisions charged by the said act of the fourth year of your Majesty's reign, with the annuities last mentioned, will by estimation produce annually a considerable sum more than sufficient to discharge all these annuities, and the necessary charges of paying and accounting for the same; and the overplus monies thereof are since enacted to be justly and duly computed at the feast of the annunciation of the blessed virgin Mary, in every year, or within six days after: and whereas by an act of parliament made in England in the fifth year of your Majesty's reign, intituled,*

Preamble reciting the annuity act, 4 ANNÆ, c. 6. Deficiencies on these annuities made good by 10 ANN. C. 26. sect. 119.

5 & 6 W. & M., c. 7.

4 ANN. C. 6.

Annuity aēt.
5 Ann. c. 19.

An aēt for continuing the duties on low wines, and spirits of the first extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on stamp vellum, parchment, and paper, and the late duties on sweets, and the one third subsidy of tonnage and poundage, and for settling and establishing a fund thereby, and by the application of certain overplus monies, and otherwise, for payment of annuities to be sold, for raising a further supply to her Majesty for the service of the year one thousand seven hundred and seven, and other uses therein expressed, *certain duties upon low wines, and spirits of the first extraction, thereby granted and continued from the three and twentieth day of June, one thousand seven hundred and ten, for the term of ninety six years from thence next ensuing, and certain duties payable by hawkers, pedlars, petty chapmen, and others therein described, and thereby continued for the like term of years; and such of the duties upon stamp vellum, parchment, and paper as are therein mentioned, and thereby granted and continued for the term of ninety six years, to commence from the last day of July, one thousand seven hundred and ten; and the duties upon sweets thereby laid for the term of ninety nine years, commencing from the four and twentieth day of March, one thousand seven hundred and six; and the additional subsidy of tonnage and poundage, and other duties upon wines, goods, and merchandizes, which are commonly called, as aforesaid, the one third subsidy, by the same aēt granted, and continued for one whole year, commencing from the expiration of the ninety eight years granted therein by the said former aēt; and all the overplus monies of the subsidies, rates, duties, and other funds contained in the said aēt of the fourth year of your Majesty's reign, after paying, or reserving sufficient to pay so much as shall be incurred or grown due upon the said annuities by Virtue of that aēt, at or before every feast of the annunciation of the blessed virgin Mary respectively, the necessary charges of paying and accounting for the same annuities purchased thereupon being excepted, are appropriated and made liable to the payment of certain annuities purchased upon the said aēt of the fifth year of your Majesty's reign, not exceeding in the whole the sum of seventy two thousand one hundred eighty seven pounds ten shillings per annum, for ninety nine years, from the five and twentieth day of March, one thousand seven hundred and seven, payable at the said receipt of the Exchequer; and for the better securing the quarterly payments which should grow due at or before Michaelmas, one thousand seven hundred and ten, upon the said annuities, not exceeding seventy two thousand one hundred eighty seven pounds ten shillings per annum, divers other temporary provisions are made in the said aēt of the fifth year of your Majesty's reign; and thereby it is also provided, That if at the end of any year of the said term of ninety nine years, for which the said annuities upon the said aēt of the fifth year of your Majesty's reign were to be purchased (the first computation to be made at Lady day, one thousand seven hundred and eight, or within six days after) the monies arising at the Exchequer within such year by the said rates, duties, subsidies, overplus-monies, and other monies thereby appropriated for payment of the said annuities, pursuant to that aēt, shall exceed all the monies then*

4 Ann. c. 6.

5 Ann. c. 19.

due

due for or upon the same annuities, and all arrearsages thereof, then or at any time or times before that time incurred, so that there shall be an excess or surplus remaining in the Exchequer, such excess or surplus shall be disposable from time to time for the publick use and service, and not otherwise: and whereas by an act of parliament made in England in the fourth year of the reign of their late majesties King William and Queen Mary, of glorious memory, (intituled, An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France) certain other rates and duties of excise upon beer, ale, and other liquors therein particularly expressed, were granted to their said late Majesties, their heirs and successors, for the term of ninety nine years, from the five and twentieth day of January, one thousand six hundred and ninety two, and are by that, and by several other acts relating thereunto, made liable to the payment of several annuities, with benefit of survivorship and other annuities charged thereupon; which rates and duties of excise last-mentioned, do also produce annually a considerable sum more than sufficient to discharge all those annuities so charged thereupon, and the necessary charges of paying and accounting for the same; and the overplus monies thereby arising have been and are to be computed on the four and twentieth day of June yearly, and are comprehended amongst the temporary provisions made in the said act of the fifth year of your Majesty's reign, for better securing the quarterly payments of the said annuities, not exceeding seventy two thousand one hundred eighty seven pounds ten shillings per annum, which should grow due at or before the feast of St. Michael the archangel, which shall be in the year of our Lord one thousand seven hundred and ten, from which time the overplus monies of the rates and duties of excise last-mentioned do belong to her Majesty for the publick use and service: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise a sum of money not exceeding six hundred and forty thousand pounds, that is to say, a sum not exceeding five hundred and forty thousand pounds, part of the money necessary to be provided in this session of parliament for your Majesty's supply, and a sum not exceeding one hundred thousand pounds to be applied in such manner as is herein after mentioned, towards making good the payment of the annuities to be purchased upon this act, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the feast of the annunciation of the blessed virgin Mary, which shall be in the year of our Lord one thousand seven hundred and eight, for and during the full term of ninety nine years from thence next and immediately ensuing, the full sum of forty thousand pounds of lawful money of Great Britain by the year, or so much thereof as shall

Annuity act.
4 & 5 W. & M. c. 3.

Ann. c. 19.

64,000l. to be raised.

40,000l. per annum to be applied to the

payment of
annuities for
99 years from
Lady day
1708.

be sufficient for paying and discharging all the annuities to be purchased upon this present act, shall be set apart and appropriated, and the same is by this act appropriated for the payment and satisfaction of the said annuities to be purchased on this act, in such manner and form as are herein after prescribed in that behalf.

To be charged
upon the
overplus monies
of the
annuities,

II. And for the better raising, securing, and establishing of the said fund, it is hereby enacted by the authority aforesaid, That the said fund, or sum not exceeding forty thousand pounds *per annum*, shall be charged upon and payable out of all the overplus or surplus monies of the said rates, duties, subsidies, and other funds settled for payment of the said several annuities purchased upon the said several acts of the fourth and fifth years of her Majesty's reign respectively, which shall from time to time remain, after satisfying, or reserving in the Exchequer sufficient to satisfy so much as shall be incurred, or grown due upon those annuities, and every of them, and which, by the said act of the fifth year of her Majesty's reign, were left to be disposed from time to time for the publick use and service, as aforesaid; and shall also be charged upon, and payable out of all the overplus monies which shall arise after the thirtieth day of *September*, one thousand seven hundred and ten, of or for the said rates and duties of excise granted in the said fourth year of the reign of their said late majesties King *William* and Queen *Mary*, and which from time to time, during the then remainder of the said term of ninety nine years therein granted, shall remain, after payment and satisfaction of all the annuities charged thereupon by the said act of the fourth year of their said late Majesties reign, or by any other act or acts of parliament before this time made for charging any annuities whatsoever upon the rates and duties of excise last-mentioned; and the treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being, are hereby directed from time to time, during the continuance of the said subsidies, rates, duties, and other funds settled by the said several annuity acts of the fourth and fifth years of her Majesty's reign, as aforesaid, and every or any of them, to cause all the said overplus monies of the same subsidies, rates, duties, and other funds contained in the said several annuity acts of the said fourth and fifth years of her Majesty's reign, to be justly and duly computed at the feast of the annunciation of the blessed virgin *Mary* in every year, or within six days after; and during the continuance of the said rates and duties of excise granted by the said act of the fourth year of the reign of King *William* and Queen *Mary*, to cause all the said overplus monies of the same rates and duties of excise to be justly and duly computed on the four and twentieth day of *June* yearly; and to cause all the overplus monies which shall appear upon such several and respective computations as aforesaid, from time to time, or so much thereof as shall be sufficient, to be set apart, reserved, and applied for and towards the making good the said fund or sum not exceeding forty thousand pounds *per annum*,

4 Ann. c. 6.
5 Ann. c. 19.

and the over-
plus of the
excise act,
4 & 5 W. &
M. c. 3.

Treasury to
compute the
overplus,

and apply it
for making
good this
fund, &c.

annum, hereby intended and appointed to be settled and established for the payment of all the annuities to be purchased on this act, without diverting or misapplying any of the monies which by the said former acts, or any of them, ought upon every such computation to have been reserved for payment of any the annuities formerly purchased, as aforesaid, if this present act had not been made.

III. And for the better securing the quarterly payments which shall grow due on or before *Michaelmas*, one thousand seven hundred and ten, upon the annuities to be purchased in pursuance of this act, be it enacted by the authority aforesaid, That the sum of one hundred thousand pounds, part of the contribution-monies to be raised by sale of annuities upon this act, or so much thereof as shall be sufficient to make good the said yearly fund, not exceeding forty thousand pounds *per annum* for the first two years and an half of the said term of ninety nine years, shall and may be reserved and applied for and towards the discharging the quarterly payments last-mentioned, to grow due at any time or times before the thirtieth day of *September*, one thousand seven hundred and ten.

IV. And to the end there may be no failure in the payment of such annuities or any of them, as shall be purchased upon this act at any time or times until the full expiration of the term of ninety nine years, for which the same are intended to be purchased, we your Majesty's said dutiful and loyal subjects the commons of *Great Britain* in parliament assembled, have cheerfully and unanimously given and granted, and do by this act give and grant to your Majesty the duties upon low wines, or spirits of the first extraction, and the duties to be paid by hawkers, pedlars, and petty chapmen, and the duties upon vellum, parchment, and paper, and the additional subsidy of tonnage and poundage, and the duty upon sweets, and the particular rates and duties upon excise hereafter in this act expressed, for and during such further term and terms of years respectively as are herein after mentioned: and do most humbly beseech your Majesty to accept thereof, and that it may be enacted; and be it enacted by the authority aforesaid, That all and every such or the like duties for and upon all low wines, or spirits of the first extraction, as by the said act of the fifth year of her Majesty's reign were continued or granted for the term of ninety six years above-mentioned, shall by virtue of this act be further continued, and be paid and payable unto her Majesty, her heirs and successors, for and upon all low wines, and spirits of the first extraction, to be made or drawn by any distiller, or other person making or drawing spirits or strong waters for sale or exportation, within the kingdom of *Great Britain*, from or after the expiration of the said term of ninety six years, for and during the term of one whole year from thence next and immediately ensuing: and that all and every such and the like duties and sums of money to be paid by every hawker, pedlar, petty chapman, and such other persons as are described in one act of the

200,000*l.* reserved to make good the quarterly payment till the 30 of Sept. 1710.

Duties on low wines, &c. 5 Ann. c. 19.

on hawkers, pedlars, &c.

the

- 9 & 10 W. 3. c. 27.
- 5 Ann. c. 19.
- Stamp duties,
- and the one third subsidy,
- 5 Ann. c. 19.
- further continued for one year more after the expiration of their respective terms.
- Sweets continued for 2 years longer.
- Excise act, 4 & 5 W. & M. c. 3. continued for 15 years longer.
- the ninth year of the reign of his said late majesty King *William*, for licensing hawkers and pedlars, and all the powers for granting such licences, which by the said act of the fifth year of her Majesty's reign are to continue for the like term of ninety six years, from the said twenty fourth day of *June*, one thousand seven hundred and ten, shall be further continued, and be paid and payable, and be put in execution by virtue of this act within the whole kingdom of *Great Britain*, from and after the expiration of the said term of ninety six years, during the term of one whole year from thence next and immediately ensuing: and that such of the duties upon vellum, parchment, and paper, as by the said act of the fifth year of her Majesty's reign were continued for the term of ninety six years from the last day of *July*, one thousand seven hundred and ten, shall, by virtue of this act be further continued, and be due and payable to her Majesty, her heirs and successors, within and throughout the whole kingdom of *Great Britain*, from and after the expiration of the term of ninety six years last-mentioned, for and during the term of one whole year from thence next and immediately ensuing: and that the additional subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes, commonly called, the one third subsidy, which by the said act of the fifth year of her Majesty's reign, are granted and continued for the term of one whole year from the expiration of a term of ninety eight years, which commenced from the eighth day of *March*, one thousand seven hundred and six, shall by virtue of this act, be further continued, and be due and payable to her Majesty, her heirs and successors, within and throughout the whole united kingdom of *Great Britain*, from the expiration of the said term of one year so granted and commencing as aforesaid, for and during the further term of one whole year from thence next and immediately ensuing: and that the duty upon sweets made for sale, which by the said act in the fifth year of her Majesty's reign, was granted for the term of ninety nine years, commencing from the twenty fourth day of *March*, one thousand seven hundred and six, shall, by virtue of this act, be further continued, and be paid and payable to her Majesty, her heirs and successors, within and throughout the united kingdom of *Great Britain*, from and after the expiration of the term of ninety nine years last-mentioned, for and during the further term of two years from thence next and immediately ensuing.
- V. And be it further enacted by the authority aforesaid, That the several rates and duties of excise upon beer, ale, and other liquors, which by the said act of the fourth year of the reign of their said late majesties King *William* and Queen *Mary*, of glorious memory, were granted for the term of ninety nine years, from the twenty fifth day of *January*, one thousand six hundred ninety two, shall, by virtue of this act, be further continued, and be paid and payable to her Majesty, her heirs and successors, within and throughout the whole united kingdom of *Great Britain*, from and after the expiration of the term of ninety

ty nine years last-mentioned, for and during the further term of fifteen years from thence next and immediately ensuing, for the uses and purposes in this act expressed.

VI. And it is hereby enacted, That the said several duties upon low wines, or spirits of the first extraction; and the said duties payable by hawkers, pedlars, petty chapmen, and others described as aforesaid; and the said rates and duties upon vellum, parchment and paper; and the said additional subsidy of tonnage and poundage, and other duties upon wines, goods, and merchandizes, by this act severally granted for a further term of one year as aforesaid; and the said duty upon sweets by this act granted for a further term of two years as aforesaid; and the said rates and duties of excise by this act granted for a further term of fifteen years as aforesaid, for the uses and purposes in this act expressed, be severally and respectively raised and levied by such rules and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and subject to such power of mitigation, and such respective drawbacks, allowances, and repayments, and in such manner and form as the like duties granted or continued by the said act of the fifth year of her Majesty's reign, or any 5 Ann. c. 19. of them respectively, are prescribed, enacted, or appointed to be raised or levied.

VII. And it is hereby enacted and declared, That the said overplus monies of the said rates, duties, subsidies, and other funds settled for payment of the said several annuities purchased upon the said several acts of the fourth and fifth years of her Majesty's reign respectively; and the said overplus monies of the said rates and duties of excise which were granted in the fourth year of their said late Majesties reign as aforesaid; and the said sum not exceeding one hundred thousand pounds, directed to be reserved out of the contribution monies as aforesaid; and the several grants made by this act of the said duties upon low wines, or spirits of the first extraction; and of the said duties to be paid by hawkers, pedlars, and petty chapmen; and of the said duties upon vellum, parchment, and paper; and of the said additional subsidy of tonnage and poundage severally, for the further term of one year as aforesaid; and of the said duties upon sweets for two years as aforesaid; and of the said particular rates and duties of excise for the term of fifteen years as aforesaid; or so much of the said several overplus monies, reserved monies; rates, additional subsidy, and other duties, as shall be sufficient for making up the said fund not exceeding forty thousand pounds *per annum*, for answering the full and due payment of all the annuities to be purchased on this act; and all arrearages thereof from time to time incurred, are, and shall be by virtue of this act liable and appropriated thereunto, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, under the penalties, forfeitures, and disabilities in this act expressed; and all the monies arising by the said overplusses, grants, and provisions hereby made, out of which the said

Former powers continued.

Overplus monies, &c. appropriated for payment of the 40,000l. per annum, 4 & 5 W. & M. c. 3.

and to be entered in a book for that purpose.

said fund, not exceeding forty thousand pounds *per annum*, is to be raised, shall be fairly and duly entered in one or more book or books to be kept in the offices of the auditor of the receipt and clerk of the pells for that purpose, to which all persons concerned at all seasonable times shall have free access without fee or charge.

Any person may lend 640,000*l.* for purchasing annuities at 16 years purchase.

VIII. And for the raising any sum or sums of money, not exceeding in the whole the said sum of six hundred and forty thousand pounds, for such uses as aforesaid, it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay into the receipt of her Majesty's Exchequer, for her Majesty's use, at or before the respective days and times in this act limited in that behalf, any sum or sums of money, not exceeding in the whole the said sum of six hundred and forty thousand pounds, for purchasing any annuity or annuities to be paid and payable during the full term of ninety nine years, to be reckoned from the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and eight, at the rate of sixteen years purchase, which rate doth amount to the sum of one hundred and sixty pounds for every such annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the same rate, or consideration money, is hereby appointed to be paid into the said receipt at or before the respective days and

Times of payment.

times herein after mentioned; that is to say, one fourth part thereof on or before the six and twentieth day of *March*, in the year of our Lord one thousand seven hundred and eight; one other fourth part thereof on or before the six and twentieth day of *May*, in the year of our Lord one thousand seven hundred and eight; one other fourth part thereof on or before the six and twentieth day of *July*, in the year of our Lord one thousand seven hundred and eight; and the remaining fourth part thereof on or before the five and twentieth day of *September*, in the year of our Lord one thousand seven hundred and eight: all which annuities so to be purchased, shall not exceed in the whole the said sum of forty thousand pounds *per annum*; and shall be paid and payable at the four most usual feasts or days of payment in the year; that is to say, The feasts of the nativity of Saint *John* baptist, Saint *Michael* the archangel, the birth of our Lord Christ, and the annunciation of the blessed virgin *Mary*, by even and equal portions, the first payment thereof to be due at the feast of the nativity of Saint *John* the baptist, which shall be in the year of our Lord one thousand seven hundred and eight.

Annuities not to exceed 40,000*l.* per ann. and to be paid quarterly.

Contributors names to be entered, &c.

IX. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer severally, there shall be provided and kept a book or books, in which there shall be fairly entered the names of all who shall be contributors, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sums so paid, and the times when the same are respectively paid:

to which book it shall be lawful for the said respective contributors, their executors, administrators, and assigns, from time to time, and at all reasonable times, to have resort, and to inspect the same without fee or reward.

X. And be it further enacted by the authority aforesaid, That all and every the annuities whatsoever, which shall be purchased upon or in pursuance of this present act, shall be and are hereby charged upon, and shall be paid and payable from time to time out of the said fund or sum, not exceeding forty thousand pounds *per annum*, by this act intended and appointed to be established, as aforesaid; and the said yearly fund or sum of forty thousand pounds *per annum*, or so much thereof as shall be sufficient to satisfy and discharge all the annuities to be purchased upon this act, and all the arrearages thereof, at any time due or owing, are and shall be, by virtue of this act, appropriated, and applied to and for satisfying and discharging of the same annuities, and such arrearages thereof accordingly, and shall be issued, disposed, and applied to that use, and to no other use, intent or purpose whatsoever, under the penalties, forfeitures, and disabilities in this act expressed; any thing herein contained, or any other matter or thing whatsoever, to the contrary notwithstanding.

The 40000l. charged with the said annuities.

XI. Provided always, That if at the end of any year of the said term of ninety nine years, for which the said annuities upon this act are to be purchased, the first computation to be made at the feast of the annunciation of the blessed virgin *Mary*, one thousand seven hundred and nine, or within six days after, the monies arising at the Exchequer within such year, which by this act are chargeable to make good the said yearly fund, not exceeding forty thousand pounds (excepting such part of the said contribution-money, as is to be reserved for making good the future quarterly payments until the thirtieth day of *September*, one thousand seven hundred and ten, as aforesaid) shall exceed all the monies which at every such feast day shall be due for or upon the same annuities, and all arrearages thereof, then or at any time or times before that time incurred, so that there shall be an excess or surplus remaining in the Exchequer, such excess or surplus shall be disposeable from time to time for the publick use and service, and not otherwise; any thing herein contained to the contrary notwithstanding.

Surplus to be applied to publick use. Further provision relating hereto, 1 Geo. 1. stat. 2. c. 12. s. 7.

XII. And be it further enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the consideration or purchase-money at the rate aforesaid, at or before the respective days or times in this act limited in that behalf, for any such annuity or annuities, as aforesaid, or such as he, she, or they shall appoint, his, her, or their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be entitled by virtue of this act, to have, receive, and enjoy the respective annuity and annuities so to be purchased out of the monies by this act appropriated or appointed for the payment thereof, during the said whole term

Contributors entitled to the annuities, &c. Part of these annuities were subscribed unto South Sea Stock pursuant to 6 Ann. c. 4.

of ninety nine years, to be purchased therein, as is above-mentioned; and that all and every such purchasers, their executors, administrators, and assigns respectively, shall have good and sure estates and interests in the several annuities so by them to be purchased, according to the tenor and true meaning of this act; and that all the said annuities to be purchased upon this act, and every of them, during the term aforesaid, shall be free from all taxes, charges, and impositions whatsoever.

Tax free.

And have tallies and orders struck for payment, &c.

XIII. And be it further enacted by the authority aforesaid, That every contributor upon this act, for any annuity or annuities, as aforesaid, his, her, or their executors, administrators or assigns, upon payment of the consideration or purchase-money for the same, at the rate aforesaid, or any part or proportion thereof, within the time or times in this act limited in that behalf, shall immediately have one or more tallies or tallies levied, importing the receipt of so much consideration-money as shall be so paid; and upon payment of all the purchase-money for any such annuity or annuities, at the rate aforesaid, every such contributor, his, her, or their executors, administrators, successors, or assigns respectively, shall have an order for paying of the said annuity and annuities, for and during the said term of ninety nine years, to be purchased therein, which order shall be signed by the treasurer and under treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being, and after the signing thereof, the same shall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the death or removal of any treasurer or under treasurer of the Exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office or offices of them, or any of them, nor shall any lord high treasurer of *Great Britain*, treasurer of the Exchequer, or any commissioners of the treasury now or for the time being, have power to revoke, countermand, or make void such orders so signed, as aforesaid, or any of them.

5 per cent. for prompt payment before 26 March, 1708.

XIV. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer the sums by them intended to be advanced upon this act, it is provided and enacted by the authority aforesaid, That every such contributor who shall advance and pay into the said receipt of Exchequer, all or any part of the purchase-money payable for any such annuity or annuities, as aforesaid, before the said six and twentieth day of *March*, in the year of our Lord one thousand seven hundred and eight, his, her, or their executors, administrators, or assigns, shall be allowed and paid out of the contribution money arising by this act, interest after the rate of five pounds *per centum per annum* for the prompt payment of the money so advanced, from the time of the actual advancing and paying the same, until the said six and twentieth day of *March*, one thousand seven hundred and eight.

Annuities assignable, &c.

XV. And be it further enacted, That it shall and may be law-

lawful to add for any contributor or contributors, his, her, or their executors, administrators, successors, or assigns, at any time or times, during the continuance of his, her, or their term, estate, or interest of and in any annuity to be purchased upon this act, by any writing under his, her, or their hands and seals, or under the common seal of a corporation, or by his, her, or their last will in writing, to assign, or devise such annuity, or any part thereof, or any interest therein, to any person or persons whatsoever, and so *in fine quiete*, and no such assignment to be revokable; so as an entry, or memorandum of such assignment or will be made in books to be kept for that purpose in the said office of the auditor of the receipt, within the space of three months after such assignment, or death of the devisor; and that upon producing such assignment, or will, or probat thereof, in the said office of receipt to be entered, as aforesaid, the party so producing the same shall bring therewith an affidavit taken before one or more of her Majesty's justices of the peace, of the due execution of the said assignment or will, which affidavit shall be severally filed in the said office; which said entry or memorandum the proper officers in the said receipt of Exchequer are hereby required to make accordingly, and to file the said affidavits; and in default of such assignment or devise by deed or will, the interest of such contributor shall go to his or her executors or administrators.

XVI. And it is hereby enacted, That it shall and may be lawful for any guardian or trustee, having the disposal of the money of any infant under the age of one and twenty years, for the use and benefit of such infant, to advance and pay the sum of one hundred and sixty pounds of the money of such infant, to purchase an annuity upon this act, for the benefit of such infant; and the said guardian or trustee, as to the said sum of one hundred and sixty pounds so advanced, is hereby discharged.

Guardian may advance 160 l. for benefit of infant.

XVII. And be it further enacted, for the better encouragement of persons to advance the monies on this act, That all receipts and issues, and all other things directed by this act to be performed in the Exchequer, shall be done and performed by the officers there, without demanding or receiving directly or indirectly, any fee, gratuity, or reward for the same; and in case any of the officers of the Exchequer shall take or demand any such fee or reward, or shall divert or misapply any of the monies of the said fund, duties, or monies hereby appropriated, or any part thereof, which should make good the payment of the said annuities, or shall pay, or issue out the same otherwise than according to the intent of this act, or shall not keep books or registers, and make entries, and do and perform all other things which by this act they are required to perform, every such officer shall forfeit his office, and be for ever incapable of any office or place of trust, and shall answer and pay treble damages to every contributor or person who shall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information.

Officer at the Exchequer take no fee, &c.

Penalty.

In any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege of parliament, or other privilege; wager of law, injunction, order of restraint, or more than one imparlance shall be granted or allowed; and in the said action the plaintiff upon recovery shall have full costs, one third of which sum to be recovered for damages, shall be to the use of her Majesty, her heirs and successors, and the other two third parts with the costs shall be to the use of the prosecutor; and in case there shall be any collusion or feint prosecution between the plaintiff and defendant in such action, it shall be lawful for any other contributor, his or her executors, administrators or assigns, to bring another action, wherein he or she shall recover, as aforesaid, to the like uses, as aforesaid.

No purchase unless one fourth paid by 26 March, 1708.

XVIII. Provided always, That no person or persons whatsoever shall or may purchase or obtain, or be admitted to purchase or obtain any annuity whatsoever upon this act, unless the whole or one fourth at least of the consideration-money for the same; at such rate, as aforesaid, be advanced and paid into the said receipt of Exchequer, on or before the said six and twentieth day of *March*, one thousand seven hundred and eight.

Contributor paying one fourth part, and not the remainder, forfeits what is paid.

XIX. Provided also, That in case any such contributor, as aforesaid, who shall on or before the said six and twentieth day of *March*, one thousand seven hundred and eight, have advanced one fourth part of his or her purchase-money, or his, her, or their executors, administrators, successors, or assigns, do not advance and pay into the said receipt of Exchequer, one other fourth part of his or her consideration-money, so to be paid for such respective annuity or annuities, as aforesaid, on or before the said six and twentieth day of *May*, in the year of our Lord one thousand seven hundred and eight; and the other fourth part thereof, on or before the said six and twentieth day of *July*, one thousand seven hundred and eight; and the remaining fourth part thereof on or before the said five and twentieth day of *September*, in the year of our Lord one thousand seven hundred and eight; then and in every such case respectively no order shall be drawn or signed for such respective annuity, for which the consideration-money shall not be fully paid, as aforesaid, but so much of the consideration-money as shall have been actually paid into the receipt of the Exchequer for such respective annuity, shall be forfeited to her Majesty, her heirs and successors, and be applied, together with other the monies to be raised by this act, for such publick services, as aforesaid; any thing in this act contained to the contrary notwithstanding.

Treasury may reward officers.

XX. Provided also, and it is hereby enacted, That it shall and may be lawful to and for the treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being, out of the overplus of the revenues hereby appropriated for making good the said fund, not exceeding forty thousand pounds *per annum*, which shall arise over and above

so much as shall be sufficient to make up the said yearly fund for discharging all the annuities to be purchased on this act, to reward the officers, clerks, and others to be employed in the payment of the said annuities, or the accounts thereof, for their labour, pains, charges, and service therein respectively, and to defray all other the necessary charges incident to the payment of the said annuities, as to the said treasurer or commissioners of the treasury for the time being, shall seem meet and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

XXI. And whereas there are admitted in the Exchequer many Subscriptions for annuities to this act before the same has had the royal assent, be it further enacted by the authority aforesaid, That all subscriptions made or taken, or which shall be made and taken, before the royal assent given to this act, shall be, and are hereby declared to be null and void.

CAP. VI.

An act for rendering the union of the two kingdoms more intimate and compleat.

WHEREAS by her Majesty's great wisdom and goodness the union of the two kingdoms hath been happily effected, and the whole island is thereby subject to one sovereignty, and represented by one parliament: to the end therefore that the said union may be rendered more compleat and intimate, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, in the year of our Lord one thousand seven hundred and eight, the Queen's majesty, her heirs and successors, shall have but one privy council in or for the kingdom of Great Britain, to be sworn to her Majesty, her heirs and successors, as sovereigns of Great Britain; and such privy council shall have the same powers and authorities as the privy council of England lawfully had, used, and exercised at the time of the union, and none other.

From 1 May, 1708, the Queen to have but one privy council in Great Britain.

II. And to the end the publick peace may be in like manner preserved throughout the whole united kingdom; be it further enacted by the authority aforesaid, That in every shire and stewartry within that part of Great Britain called Scotland, and also in such cities, boroughs, liberties, and precincts within Scotland; as her Majesty, her heirs or successors shall think fit, there shall be appointed by her Majesty, her heirs or successors, under the great seal of Great Britain, a sufficient number of good and lawful men to be justices of the peace within their respective shires, stewartries, cities, boroughs, liberties, or precincts; which persons so appointed, over and above the several powers and authorities vested in justices of the peace by the laws of Scotland, shall be further authorized to do, use and exercise over all persons within their several bounds, whatever doth appertain to the office and trust of a justice of peace, by virtue of the laws

Explained as to distays and portuons rolls, by 8 Annæ, c. 16. s. 3.

Proviso.

and acts of parliament made in *England* before the union, in relation to and for the preservation of the publick peace. Provided nevertheless, That in the sessions of the peace the methods of trial and judgments shall be according to the laws and customs of *Scotland*.

Not to alter the privileges of *Edinburgh*, &c.

III. Provided, That nothing in this act contained shall be construed to alter or infringe any rights, liberties, or privileges heretofore granted to the city of *Edinburgh*, or to any other royal borough, of being justices of peace within their respective bounds.

Circuit courts to be kept twice a year.

IV. And whereas by an act made in *Scotland* in the third session of the second parliament of the late King Charles the Second, intituled, An act concerning the regulation of the judicatures, several good and wholesome provisions were made concerning the justice court, and amongst others it was thereby enacted, That once a year circuit courts should be kept at the time and places in the said act mentioned: now for the better and speedier administration of justice, and further preservation of the publick peace in that part of the kingdom of *Great Britain*, called *Scotland*, be it also enacted by the authority aforesaid, That for the future, twice in the year, that is to say, in the months of *April* or *May*, and in the month of *October*, circuit courts shall be kept in the several places in the said act mentioned, and in manner and form as in the said act contained.

In what manner the 45 representatives of *Scotland* shall be elected.

V. And for the more uniform and express method of electing and returning members of parliament, be it likewise further enacted by the authority aforesaid, That when any parliament shall at any time hereafter be summoned or called, the forty five representatives of *Scotland*, in the house of commons of the parliament of *Great Britain*, shall be elected and chosen by authority of the Queen's writs under the great seal of *Great Britain*, directed to the several sheriffs and stewarts of the respective shires and stewartries; and the said several sheriffs and stewarts shall, on receipt of such writs, forthwith give notice of the time of election for the knights or commissioners for their respective shires or stewartries, and at such time of election the several freeholders in the respective shires and stewartries shall meet and convene at the head burghs of their several shires and stewartries, and proceed to the election of their respective commissioners or knights for the shire or stewartry; and the clerks of the said meetings, immediately after the said elections are over, shall respectively return the names of the persons elected to the sheriff or stewart of the shire or stewartry, who shall annex it to his writ, and return it with the same into the court out of which the writ issued: and as to the manner of election of the fifteen representatives of the royal boroughs, the sheriff of the shire of *Edinburgh* shall, on the receipt of the writ directed to him, forthwith direct his precept to the lord provost of *Edinburgh*, to cause a burghers to be elected for that city; and on receipt of such precept, the city of *Edinburgh* shall elect their member, and their common clerk shall certify his name to the sheriff

sheriff of *Edinburgh*, who shall annex it to his writ, and return it with the same into the court from whence the writ issued: and as to the other royal burghs, divided into fourteen classes or districts, the sheriffs or stewarts of the several shires and stewartries, shall on the receipt of their several writs, forthwith direct their several precepts to every royal borough within their respective shires or stewartries, reciting therein the contents of the writ, and the date thereof, and commanding them forthwith to elect each of them a commissioner as they used formerly to elect commissioners to the parliament of *Scotland*, and to order the said respective commissioners to meet at the presiding borough of their respective district (naming the said presiding borough) upon the thirtieth day after the day of the *Tells* of the writ, unless it be upon the Lord's day, commonly called *Sunday*, and then the next day after, and then to choose their burgesses for the parliament; and the common clerk of the then presiding borough shall immediately after the election, return the name of the person so elected to the sheriff or steward of the shire or stewartry wherein such presiding borough is, who shall annex it to his writ, and return it with the same into the court from whence the writ issued; and in case a vacancy shall happen in time of parliament, by the decease or legal incapacity of any member, a new member shall be elected in his room, conformable to the method herein before appointed; and in case such vacancy be of a representative for any one of the said fourteen classes, or districts of the said royal boroughs, that borough which presided at the election of the deceased or disabled member, shall be the presiding borough at such new election.

How vacancies happening in time of parliament shall be supplied.

VI. Provided always, That upon the issuing of writs of summons for the electing of a parliament, if any shire or stewartry wherein a royal borough is, hath not then a turn or right to elect a commissioner, or knight of the shire or stewartry for that parliament, that then it shall be omitted out of the writ directed to such sheriff or steward, to cause a knight, commissioner for that shire or stewartry, to be elected for that parliament.

Shire or stewartry, &c. not having a turn to elect, to be omitted out of the writ, &c.

CAP. VII.

Act act for the security of her Majesty's person and government, and of the succession to the crown of Great Britain in the protestant line.

WHEREAS by the happy union of England and Scotland, it is become necessary to make divers alterations in relation to an act passed in the parliament of England, in the fourth year of the reign of her present Majesty, whom God long preserve; intituled, An act for the better security of her Majesty's person and government, and of the succession to the crown of England in the protestant line, and to extend the provisions of the said act throughout the whole united kingdom, for the better security of our most gracious

Ann. c. 2.

Persons who
by writing, &c.
shall declare,
&c. the Queen
not to be law-
ful Queen, or
that the pre-
tended prince
of Wales hath
any right to
the crown, &c.
1 W. & M.
Sess. 2. c. 2.

11 & 12 W. 3.
c. 2.

Guilty of
high treason.

Preachers, &c.
who shall de-
clare and af-
firm the Queen
not to be law-
ful Queen, &c.

1 W. & M.
Sess. 2. c. 2.

11 & 12 W. 3.
c. 2.

sovereign's person and government, and of the succession to the crown of Great Britain in the protestant line, as it is now by the laws and statutes of this realm settled, limited, and appointed; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons shall maliciously, advisedly, and directly, by writing or printing, maintain and affirm, That our sovereign lady the Queen that now is, is not the lawful and rightful Queen of these realms, or that the pretended prince of *Wales*, who now styles himself King of *Great Britain*, or King of *England*, by the name of *James the Third*, or King of *Scotland*, by the name of *James the Eighth*, hath any right or title to the crown of these realms, or that any other person or persons hath or have any right or title to the same, otherwise than according to an act of parliament made in *England* in the first year of the reign of their late Majesties King *William* and Queen *Mary*, of ever blessed and glorious memory, intituled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown*; and one other act made in *England* in the twelfth year of the reign of his said late majesty King *William the Third*, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*; and the acts lately made in *England* and *Scotland* mutually for the union of the two kingdoms; or that the Kings or Queens of this realm, with and by the authority of parliament, are not able to make laws and statutes of sufficient force and validity to limit and bind the crown, and the descent, limitation, inheritance, and government thereof; every such person or persons shall be guilty of high treason, and being thereof lawfully convicted, shall be adjudged traitors, and shall suffer pains of death, and all losses and forfeitures as in cases of high treason.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall maliciously and directly, by preaching, teaching, or advised speaking, declare, maintain, and affirm, That our sovereign lady the Queen that now is, is not the lawful or rightful Queen of these realms, or that the pretended prince of *Wales*, who now styles himself King of *Great Britain*, or King of *England*, by the name of *James the Third*, or King of *Scotland*, by the name of *James the Eighth*, hath any right or title to the crown of these realms, or that any other person or persons hath or have any right or title to the same, otherwise than according to an act of parliament made in *England* in the first year of the reign of their said late Majesties King *William* and Queen *Mary*, intituled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown*; and one other act made in *England*, in the twelfth year of the reign of his late majesty King *William the Third*, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*; and the acts lately made

made in *England* and *Scotland* mutually for the union of the two kingdoms; or that the Kings or Queens of this realm, with and by the authority of parliament, are not able to make laws and statutes of sufficient force and validity to limit and bind the crown, and the descent, limitation, inheritance, and government thereof; every such person or persons shall incur the danger and penalty of *præmunire* mentioned in the statute of *præmunire* made in *England* in the sixteenth year of the reign of King *Richard* the Second.

To incur the penalty of *præmunire*.
16 R. a. c. 5.

III. Provided always, and be it enacted by the authority aforesaid, That no person shall be prosecuted by virtue of this act for any words spoken, unless the information of such words be given upon oath to one or more justice or justices of the peace within three days after such words spoken, and the prosecution of such offence be within three months after such information; and that no person shall be convicted by virtue of this act for any such words spoken, but by the oaths of two credible witnesses.

No prosecution unless information be within 3 days after words spoken.

IV. And be it further enacted by the authority aforesaid, That this present parliament, or any other parliament which shall hereafter be summoned and called by her majesty *Queen Ann*, her heirs or successors, shall not be determined or dissolved by the death or demise of her said Majesty, her heirs or successors, but such parliament shall, and is hereby enacted to continue, and is hereby impowered and required, if sitting at the time of such demise, immediately to proceed to act, notwithstanding such death or demise, for and during the term of six months, and no longer, unless the same be sooner prorogued or dissolved by such person to whom the crown of this realm of *Great Britain* shall come, remain and be, according to the acts for limiting and settling the succession, and for the union above-mentioned; and if the said parliament shall be prorogued, then it shall meet and sit on and upon the day unto which it shall be prorogued, and continue for the residue of the said time of six months, unless sooner prorogued or dissolved as aforesaid.

Parliament not to be dissolved by Queen's death.

But continue for 6 months after.

V. And be it further enacted by the authority aforesaid, That if there be a parliament in being, at the time of the death of her Majesty, her heirs or successors, but the same happens to be separated by adjournment or prorogation, such parliament shall immediately after such demise meet, convene and sit, and shall act, notwithstanding such death or demise, for and during the time of six months, and no longer, unless the same shall be sooner prorogued or dissolved as aforesaid.

Parliament to meet immediately after death.

VI. And be it further enacted by the authority aforesaid, That in case there is no parliament in being at the time of such demise that hath met and sat, then the last preceding parliament shall immediately convene, and sit at *Westminster*, and be a parliament to continue as aforesaid, to all intents and purposes, as if the same parliament had never been dissolved, but subject to be prorogued and dissolved as aforesaid.

In case there be no parliament, then the last preceding to meet.

VII. Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be construed to extend

Not to abridge Queen's power to prorogue or

dissolve parliaments.
6 W. & M.
c. 2.

To extend to the parliament of Great Britain.

Privy council not to be dissolved by Queen's death.

Nor the places of the great officers.

Nor any offices civil or military.

But continue for six months.

Great seal, &c. to be used.

On Queen's death, privy council to caule the next

tend to alter or abridge the power of the Queen, her heirs or successors, to prorogue or dissolve parliaments, nor to repeal, or make void one act of parliament made in *England* in the sixth year of the reign of their said late majesties King *William* and Queen *Mary*, intituled, *An act for the frequent meeting and calling of parliaments*; but that the said act shall continue in force in every thing that is not contrary to, or inconsistent with the direction of this act; and the said act for the frequent meeting and calling of parliaments is hereby declared and enacted to extend to the parliament of *Great Britain*, as fully and effectually, to all intents, constructions, and purposes, as if the same were herein and hereby particularly recited and enacted.

VIII. And be it further enacted by the authority aforesaid, That the privy council of her Majesty, her heirs or successors for the kingdom of *Great Britain*, shall not be determined or dissolved by the death or demise of her Majesty, her heirs or successors; but such privy council shall continue and act as such by the space of six months next after such demise, unless sooner determined by the next successor to whom the imperial crown of this realm is limited and appointed to go, remain, and descend; nor shall the office or place of lord chancellor or lord keeper of the great seal of *Great Britain*, or of lord high treasurer of *Great Britain*, lord president of the council for *Great Britain*, lord privy seal of *Great Britain*, lord high admiral of *Great Britain*, or of any of the great officers of the Queen or King's household for the time being, nor shall any office, place, or employment, civil or military, within the kingdoms of *Great Britain* or *Ireland*, dominion of *Wales*, town of *Berwick* upon *Tweed*, isles of *Jersey*, *Guernsey*, *Aldernoy*, and *Sarke*, or any of her Majesty's plantations, become void by reason of the demise or death of her present Majesty, her heirs or successors, Queens or Kings of this realm; but the said lord chancellor or lord keeper of the great seal of *Great Britain*, the lord high treasurer of *Great Britain*, the lord president of the council, the lord privy seal, the lord high admiral of *Great Britain*, the great officers of the household, and every other person and persons in any of the offices, places, and employments aforesaid, shall continue in their respective offices, places, and employments, for the space of six months next after such death or demise, unless sooner removed and discharged by the next in succession as aforesaid.

IX. And be it further enacted by the authority aforesaid, That the great seal of *Great Britain*, the privy seal, privy signet, and all other publick seals in being, at the time of the demise of her Majesty, her heirs or successors, shall continue and be made use of as the respective seals of the successor, until such successor shall give order to the contrary.

X. And be it further enacted by the authority aforesaid, That whensoever her Majesty (whom God long preserve) shall happen to demise and depart this life without issue of her body, the privy council for *Great Britain* in being at the time of such demise

demise of her Majesty, shall with all convenient speed cause the next protestant successor entitled to the crown of *Great Britain*, by virtue of the acts before-mentioned, to be openly and solemnly proclaimed in *Great Britain* and *Ireland*, in such manner and form as the preceding Kings and Queens respectively have been usually proclaimed after the demise of their respective predecessors; and that all and every member and members of the said privy council, wilfully neglecting or refusing to cause such proclamation to be made, shall be guilty of high treason, and being thereof lawfully convicted, shall be adjudged traitors, and shall suffer pains of death, and all losses and forfeitures as in cases of high treason; and also all and every officer and officers within the said kingdoms of *Great Britain* and *Ireland*, who shall by the said privy council be required to make such proclamations, and shall wilfully refuse or neglect to make the same, shall be guilty of high treason, and being thereof lawfully convicted shall be adjudged traitors, and shall suffer pains of death, and all losses and forfeitures as in cases of high treason.

protestant successor to be proclaimed.

On pain of high treason.

XI. And because it may happen that the next protestant successor may, at the time of such demise of her Majesty, be out of the realm of *Great Britain* in parts beyond the seas; be it therefore enacted by the authority aforesaid, That for the continuing of the administration of the government in the name of such protestant successor, until her or his arrival in *Great Britain*, the seven officers herein after named, who shall be in the possession of their offices at the time of such demise of her Majesty, that is to say, The archbishop of *Canterbury* at that time being, the lord chancellor or lord keeper of the great seal of *Great Britain* at that time being, the lord high treasurer of *Great Britain* at that time being, the lord president of the council for *Great Britain* at that time being, the lord privy seal of *Great Britain* at that time being, the lord high admiral of *Great Britain* at that time being, and the lord chief justice of the *Queen's Bench* at that time being, shall be and are, by virtue of this act, constituted and appointed lords justices of *Great Britain*, and are and shall be, by virtue of this act, impowered, in the name of such successor, and in her and his stead, to use, exercise, and execute all powers, authorities, matters, and acts of government, and administration of government, in as full and ample manner as such next successor could use or execute the same, if she or he were present in person within this kingdom of *Great Britain*, until such successor shall arrive, or otherwise determine their authority.

In case successor be out of Queen's death

Seven lords justices appointed.

XII. Nevertheless be it further enacted by the authority aforesaid, That such person who by the limitations aforesaid is or shall be next to the crown of this realm, in case of her Majesty's demise without issue, shall and is hereby impowered, at any time during her Majesty's life, by three instruments under her or his hand and seal, revocable or to be altered at her and his will and pleasure, to nominate and appoint

The successor (by three instruments) may add seven others.

such and so many persons, being natural born subjects of this realm of *Great Britain*, as she or he shall think fit, to be added to the seven officers before named, to the lords justices as aforesaid; who shall be empowered, by authority of this act, to act with them as lords justices of *Great Britain*, as fully and in the same manner as if they had been herein particularly named: which said lords justices, or the major part of them, which shall assemble, so as such major part be not fewer than five, shall and may use and exercise all the powers and authorities before-mentioned, as fully and effectually, to all intents and purposes, as if all of them had been assembled together and consenting.

The three instruments to be transmitted into *Great Britain*.

XIII. And be it enacted by the authority aforesaid, That the said three instruments, revocable and to be altered, as aforesaid, shall be transmitted into *Great Britain*, to the resident of such person next to succeed, as aforesaid, whose credentials shall be enrolled in the high court of *Chancery*, and to the archbishop of *Canterbury*, and the lord chancellor or lord keeper of the great seal of *Great Britain*, close sealed up; and after they are so transmitted, shall be put into several covers, which shall be severally sealed up with three several seals of such resident, and of the archbishop of *Canterbury*, and of the lord chancellor or lord keeper of the great seal of *Great Britain*; and one of them, after it is so sealed up, shall be lodged and deposited in the hands of such resident, one other of them in the hands of the said archbishop of *Canterbury*, and one other of them in the hands of the lord chancellor or lord keeper of the great seal of *Great Britain*: and that if the next successor shall be minded to revoke or alter her or his nomination or appointment made, as aforesaid, and shall by three writings of the same tenor, under her or his hand and seal, require the said instruments deposited, as aforesaid, to be delivered up to some person or persons thereby authorized to receive the same, then and in such case the said persons with whom the said instruments shall be deposited, and every of them, and in case of any of their deaths, their executors or administrators respectively, and every other person in whose custody any of the said instruments shall happen to be, shall deliver up the said instruments accordingly; and they are hereby respectively authorized and required to do: and if any of the said persons with whom the said instruments shall be so deposited shall happen to die, or be removed from their respective offices or employments, during the life of her present Majesty, such person and persons, and in case of any of their deaths, their executors or administrators respectively, and every other person in whose custody any of the said instruments shall happen to be, shall, with all convenient speed, deliver such of them as shall be in his or their custody, to the successor or successors of the person so dying or removed, as aforesaid; which said several instruments so sealed up and deposited, as aforesaid, shall immediately after the demise of her Majesty without issue, be brought before the privy council, where the same shall

And severally sealed up and deposited, &c.

shall be forthwith opened and read, and afterwards enrolled in the high court of *Chancery*.

XIV. And be it further enacted by the authority aforesaid, That if any of the said persons with whom the said instruments shall be deposited, as aforesaid, or any of their executors or administrators, or any other person in whose custody the same shall happen to be after the deceases of any of the said persons, shall open any of the said instruments, or shall wilfully neglect or refuse to produce before the said privy council, as aforesaid, such of the said instruments as shall be in his or their custody as aforesaid, every such person so opening, neglecting or refusing, shall incur the pains and penalties of a *præmunire* inflicted by the said statute of *præmunire*.

Persons opening any of the said instruments, &c. guilty of a *præmunire*.

16 R. 2. c. 5.

XV. And be it further enacted by the authority aforesaid, That if all the said instruments deposited as aforesaid, shall not be produced before the said privy council as aforesaid, then any one or more of the said instruments so produced as aforesaid, shall be as effectual to give such authority as aforesaid, to the persons therein named, as if all of them had been produced as aforesaid; and if there be not any nomination by such instruments, then the said seven officers, or any five of them, are constituted and appointed to be lords justices of *Great Britain*, and are hereby invested with the powers and authorities mentioned in this act.

Any one of the instruments produced to the privy council, to be effectual.

XVI. And be it further enacted by the authority aforesaid, That any nomination and appointment already made by the next successor, signified by such instruments deposited as aforesaid, pursuant to the said former act for the better security of her Majesty's person and government, and of the succession to the crown of *England* in the protestant line, shall be deemed and taken to be as effectual for constituting and appointing the persons so nominated lords justices of *England* to be lords justices of *Great Britain*, to all intents, constructions and purposes, as if such nomination and appointment were made pursuant to this act.

Nomination of lords justices by successor, already made; to be as effectual as if appointed by this act.

XVII. And be it further enacted, That the said lords justices constituted as aforesaid, shall not dissolve the parliament continued and ordered to assemble and sit as aforesaid, without express direction from such succeeding Queen or King; and that the said lords justices shall be, and are hereby restrained and disabled from giving the royal assent in parliament to any bill or bills for the repealing or altering the act made in *England* in the thirteenth and fourteenth years of the reign of King *Charles the Second*, intituled, *An act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies; and for establishing the forms for making, ordaining, and consecrating bishops, priests, and deacons in the church of England; or the act made in Scotland in the last session of parliament there, intituled, Act for securing the protestant religion, and presbyterian church government; and all and every the said lords justices concurring in giving the royal assent to any bill or bills for repealing or altering the said acts,*

Lord justices not to dissolve the parliament without direction, nor alter.

13 & 14 Car. 2. c. 4.

Or an act made in Scotland.

acts, or either of them, shall be guilty of high treason, and suffer and forfeit as in cases of high treason.

Lords justices to take the oaths, 1 W. & M. sess. 1. c. 8.

XVIII. And be it further enacted by the authority aforesaid, That the said lords justices before they act or intermeddle in their said offices, or any of the authorities hereby to them given, shall take the oaths mentioned in an act made in *England* in the first year of the reign of their late majesties King *William* and Queen *Mary*, intituled, *An act for obrogating the oaths of allegiance and supremacy, and appointing other oaths*; and also the oath herein after expressed and enacted to be taken after the demise of her Majesty without issue of her body; which said oaths shall be taken before the privy council appointed to continue by virtue of this act, who are hereby required and impowered to administer the same; and that all the members of both houses of parliament, and every member of the privy council, and all officers or persons in any offices, places, or employments civil or military, who are or shall be by this act continued as aforesaid, shall take the said oaths, and do all other acts requisite by the laws and statutes of this realm, to qualify themselves to be and continue in such their respective places, offices and employments, within such time, and in such manner, and under such pains, penalties, and disabilities, as they should or ought to do, had they been newly elected, appointed, constituted, or put into such offices, places, or employments in the usual and ordinary way.

And be deemed officers of trust.

XIX. And it is hereby further enacted and declared, That all and every the persons that shall be any of the lords justices by virtue of this act, shall be deemed and taken as persons executing offices of trust within *England*, and shall be required to do all acts requisite by the laws and statutes of *England*, to qualify themselves to be and continue in their said offices or places of trust, within such times, and in such manner, and under such pains, penalties, and disabilities as in and by the said act are required.

After Queen's death, 1 Ann. stat. 1. c. 21.

XX. And be it further enacted by the authority aforesaid, That from and after the demise of her Majesty without issue of her body, instead of the oath appointed to be taken by the act, intituled, *An act for the further security of her Majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the affection to be determined*, the following oath shall be taken by all persons required by the said act to take the said oath therein mentioned, and hereby altered and changed (that is to say)

following oath to be taken.

The oath.

I A. B. do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, That our sovereign is lawful and rightful of this realm, and of all other majesty's dominions and countries thereto belonging. And I do solemnly and sincerely declare, That I do believe in my conscience, that the person pretended

to be prince of Wales during the life of the late King James, and since his decease pretending to be, and taking upon himself the title and title of King of England, by the name of James the Third; hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, That I will bear faith and true allegiance to and
will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever which shall be made against person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to Majesty and successors all treasons and traitorous conspiracies which I shall know to be against or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the possession of the crown against him the said James, and all other persons whatsoever, as the same by an act, intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject, is and stands limited to the princess Sophia, electress and dutchess dowager of Hanover, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to the express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly and truly, upon the true faith of a christian.

11 & 12 W. 3.
c. 2.

So help me God.

XXI. The blanks of which oath shall be filled up with the name of her or him, as Queen, or King, who shall be next in succession, according to the said act for the further limitation of the crown, and better securing the rights and liberties of the subject, when the said oath is to take place, and with the other proper additions of the words *her*, *his*, or *him*, and from and after the death of the said pretended prince of Wales, these words following, *viz.* [And I do solemnly and sincerely declare, That I do believe in my conscience, that the person pretended to be prince of Wales, during the life of the late King James, and since his decease pretending to be, and taking upon himself the title and title of King of England, by the name of James the Third, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him] shall be left out, and also the words [against him the said James, and all other persons whatsoever] shall be omitted, and instead thereof shall be inserted [against all persons whatsoever.]

How blanks
in the oath
shall be filled
up.

XXII. And be it further enacted by the authority aforesaid, That such next succeeding Queen or King shall and may make use of any seal, to affix to any writing or instrument, which she or he shall, before her or his arrival in Great Britain, make and pass, to execute and do, or cause to be executed or done,

The successor
may use any
seal before her
or his arrival,
in Great Bri-
tain.

any

any regal act; and it being signified by such writing or instrument, that the same shall have the same effect as if passed under the great seal of *Great Britain*, or any other publick seal used there, the same shall be of the same force and effect, as if it were actually sealed by the great seal of *Great Britain*, or such other publick seal, which the same is declared to be intended to have the force and effect of in such writing or instrument.

Parliament called by lords justices not to be dissolved by arrival of successor.

XXIII. And be it further declared and enacted, That if, after the death of her Majesty without issue, and before the arrival of any succeeding Queen or King in *Great Britain*, any parliament shall be called by the lords justices, by writs tested in their names; by the arrival of such succeeding Queen or King in *Great Britain*, such parliament shall not be dissolved, but after such arrival shall proceed without any new summons.

Proviso in case any of the 7 great offices be in commission at Queen's death.

XXIV. Provided always, That if any of the aforesaid seven officers, other than the office of lord high treasurer of *Great Britain*, shall be in commission at the time of such demise of her Majesty, that then the first commissioner of such respective commission shall be one of the said lords justices of *Great Britain*, and use, exercise, and execute all powers, authorities, matters, and acts of government by this act vested in the said lords justices of *Great Britain*, according to the directions and provisions of this act, in as full and ample manner as if such office or offices were in the hands of a single person, provided, that if there be no lord high treasurer of *Great Britain*, and the office of treasurer of the Exchequer shall be in commission, then the first in that commission shall be one of the lords justices of *Great Britain*.

Persons in office, &c. made incapable of being elected members of the house of commons.

XXV. And be it further enacted by the authority aforesaid, That no person, who shall have in his own name, or in the name of any person or persons in trust for him, or for his benefit, any new office or place of profit whatsoever under the crown, which at any time since the five and twentieth day of *October*, in the year of our Lord one thousand seven hundred and five, have been created or elected, or hereafter shall be created or erected, nor any person who shall be commissioner or sub-commissioner of prizes, secretary or receiver of the prizes, nor any comptroller of the accounts of the army, nor any commissioner of transports, nor any commissioner of the sick and wounded, nor any agent for any regiment, nor any commissioner for any wine licences, nor any governor or deputy governor of any of the plantations, nor any commissioners of the navy employed in any of the out-ports, nor any person having any pension from the crown during pleasure, shall be capable of being elected, or of sitting or voting as a member of the house of commons in any parliament which shall be hereafter summoned and holden.

By 1 Geo. 1. stat. 2. c. 56. No pensioner for years shall sit in the house, &c.
See 15 Geo. 2. c. 22.

Accepting of office of profit while a member, election void: but may

XXVI. Provided always, That if any person being chosen a member of the house of commons, shall accept of any office of profit from the crown, during such time as he shall continue a member, his election shall be, and is hereby declared to be void, and

and a new writ shall issue for a new election, as if such person be again elect-
 so accepting was naturally dead. Provided nevertheless, That ed.
 such person shall be capable of being again elected, as if his place
 had not become void as aforesaid.

XXVII. Provided also, and be it enacted, That in order to No office to be
 prevent for the future too great a number of commissioners to exe cuted by
 be appointed or constituted for the executing of any office, that too many
 no greater number of commissioners shall be made or constituted commissioners.
 for the execution of any office than have been employed in the
 execution of such respective office at some time before the first
 day of this present parliament.

XXVIII. Provided also, That nothing herein contained shall Not to extend
 extend, or be construed to extend to any member of the house to officers in
 of commons, being an officer in her Majesty's navy or army, the navy or
 who shall receive any new, or other commission in the navy or army.
 army respectively.

XXIX. And be it further enacted, That if any person here- Persons dis-
 by disabled, or declared to be incapable to sit or vote in any par- abled, if re-
 liament hereafter to be holden, shall nevertheless be returned as turn'd as
 a member to serve for any county, stewartry, city, town, or members, such
 cinque port, in any such parliament, such election and return election and
 are hereby enacted and declared to be void to all intents and return void.
 purposes whatsoever; and if any person disabled, or declared in-
 capable by this act to be elected, shall after the dissolution or
 determination of this present parliament presume to sit or vote
 as a member of the house of commons in any parliament to be
 hereafter summoned, such person so sitting or voting shall forfeit Penalty on
 the sum of five hundred pounds, to be recovered by such per- sitting.
 son as shall sue for the same in *England*, by action of debt, bill,
 plaint or information, wherein no essoin, protection or wager of
 law shall be allowed, and only one imparlance.

XXX. And be it further enacted and declared, That every
 person disabled to be elected, or to sit or vote in the house of
 commons of any parliament of *England*, shall be disabled to be
 elected, or to sit or vote in the house of commons of any par-
 liament of *Great Britain*.

XXXI. And be it further enacted by the authority aforesaid, No commis-
 That no person, who now is a commissioner for disposing the sioner for the
 sum of three hundred ninety eight thousand and eighty five equivalent dis-
 pounds ten shillings, and all other sums arising to *Scotland* by abled from
 way of equivalent, upon the agreements, and to the purposes being elected.
 mentioned in the articles of union of the two kingdoms, shall
 for or by reason of such commission, or any other commission
 for disposing the said equivalent, or any part thereof, or the ex-
 ecution of any such commission, or any thing relating thereun-
 to, be disabled from being elected a member of parliament, or
 sitting or voting as such in this or any future parliament.

C A P. VIII.

An act for encouraging the dressing and dying of woollen clothes within this kingdom, by laying a duty upon broad cloth exported white.

I. **W**HEREAS it has been found necessary towards supporting the woollen manufacture of this kingdom, that woollen cloth, commonly called broad cloth, be exported white: now to the intent that such exportation may not be prejudicial to the dressing or dying of woollen clothes within this kingdom, we your Majesty's most dutiful subjects, the commons of Great Britain in parliament assembled, do humbly pray your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a duty of five shillings shall be paid to her Majesty, her heirs and successors, for every white woollen cloth, commonly called broad cloth, which shall be exported out of this kingdom into foreign parts.

Duty of 5 s. to be paid for every broad cloth exported.
Continued for thirty-nine years by 9 Annæ, c. 6. and perpetuated by 3 Geo. 1. c. 6.

Cloth shipt before duty paid, forfeited.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall export, or ship on any boat or vessel, in order to exportation into foreign parts, any white woollen cloth or clothes, commonly called broad cloth, without first paying the duty aforesaid, such person or persons shall forfeit every such cloth or clothes, which shall be so shipped in order to exportation, contrary to the intent and meaning of this act, or the value of such cloth or clothes; one moiety thereof to her Majesty, her heirs and successors, the other moiety to such person as shall seize, inform, or sue for the same.

C A P. IX.

An act for the exportation of white woollen cloth.

WHEREAS by an act of parliament made in the fourteenth and fifteenth years of the reign of King Henry the Eighth, intituled, Touching worsted weavers of Yarmouth and Lynn, it is amongst other things enacted, That no person or persons any time after convey or transport into any of the parts beyond the sea, any manner of clothes or worsteds before the same clothes be shorn, dyed, coloured, and calendred, upon pain of forfeiting the value thereof: and whereas in the sixth year of the reign of Queen Elizabeth a patent was granted to the Hamborough company for ever, with liberty to export thirty thousand clothes, though not wrought or dressed, twenty five thousand whereof to be above the value of three pounds, and under the value of six pounds per cloth, and the other five thousand to be above the value of four pounds per cloth: and whereas in the eight and twentieth year of the reign of King Charles the Second another patent was granted to Sir James Hayes and Sir Peter Apsley, knights, in trust for the late countess of Portland, for the term of one and twenty years, to license the exportation of all manner

24 & 25 H. 8. c. 3.

Patent granted 6 Eliz. to the Hamborough company.

Patent 28 Car. 2. to the countess of Portland for twenty one years.

of woollen clothes, white as well as coloured, though not barbed, rowed, sorn or dressed, without limitation as to price or number, with power to agree and compound with the exporter for the quantum to be paid them for the licence to export the same: and whereas the last mentioned patent expired in or about the month of May, in the year of our Lord one thousand seven hundred and seven, since the expiration of which said patent, the officers of her Majesty's customs have put a stop to the exportation of all white clothes; and some doubts have arisen whether the same may be exported, notwithstanding the many good laws that have been made for the encouragement of the woollen manufacture: and whereas there are great quantities of white woollen clothes now ready to be shipped off, and exported into parts beyond the seas, where there is a great demand for the same, and it hath been the wisdom of this nation in all ages to give all due encouragement to the woollen manufacture thereof: For preventing therefore of all doubts that have or may arise concerning the exportation of white woollen cloth, and for the better encouragement of the woollen manufacture of this kingdom, and employment of the poor, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That it shall and may be lawful for any person or persons whatsoever to export out of the kingdom of

All white woollen cloth whatever made in Great Britain, &c. may be exported.

CAP. X.

An act for the better recruiting her Majesty's land forces and the marines, for the service of the year one thousand seven hundred and eight.

EXP.

CAP. XI.

An act for continuing one half-part of the subsidies of tonnage and poundage, and other duties upon wines, goods and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King Charles the Second, and for settling a fund thereby, and by other ways and means, for payment of annuities, not exceeding eighty thousand pounds per annum, to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses therein expressed.

I. MOST gracious Sovereign; whereas several subsidies of tonnage and poundage, and other duties and sums of money, upon wines, goods, and other merchandizes, were given and granted unto his late Majesty King Charles the Second (of blessed memory) for his life, by an act of parliament made in the twelfth year of his reign, intituled, A subsidy granted to the King of tonnage and poundage and other sums of money payable upon merchandizes

12 Car. 2. c. 4.

exported

exported and imported, and by the book of rates therunto annexed; which subsidies of tonnage and poundage, and other duties and sums of money, upon wines, goods and merchandizes, as well exported as imported, (with some alterations) were by several subsequent acts of parliament granted to continue until the fifth day of August, one thousand seven hundred and ten: and whereas by an act of parliament made in the fifth year of your Majesty's reign, (intituled, An act for continuing severall subsidies, impositions, and duties, and for making provisions therein mentioned, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for ascertaining the wine-measure) the said subsidies of tonnage and poundage, and other duties and sums of money, were enacted to continue, and be payable to your Majesty, for and upon all wines, goods and merchandizes, which should be imported at any time or times between the last day of July, one thousand seven hundred and ten, and the first day of August, one thousand seven hundred and twelve: Now, We your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled having resolved, that a further sum, not exceeding one million two hundred and eighty thousand pounds, be raised by sale of annuities in the manner herein after mentioned, to wit, one million and twenty thousand pounds thereof for the better enabling your Majesty to defray the expence of the present war, and other your Majesty's most necessary and important occasions; and two hundred and sixty thousand pounds, residue thereof, to be applied in such manner as is herein after mentioned, towards making good the payment of the annuities to be purchased upon this act, have, for that end and purpose, cheerfully and unanimously given and granted, and do by this act give and grant unto your Majesty the further subsidies, duties, and sums of money herein after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That over and above all other subsidies, additional duties, impositions, and payments whatsoever, by any former or other act or acts of parliament, or otherwise howsoever, already due or payable, or which ought to be paid to her Majesty, for or upon any wines, goods, or merchandizes whatsoever, imported or to be imported, there shall be raised, levied, collected, paid, and satisfied unto her Majesty, her heirs and successors, for and upon all wines, goods, and merchandizes, which at any time or times, from and after the last day of July, one thousand seven hundred and twelve, within or during the term of ninety six years from thence next and immediately ensuing, shall be imported or brought into Great Britain, one moiety or half part of such and the like severall and respective subsidies, duties, and sums of money, as by the said act of the fifth year of her Majesty's reign are charged or payable within or during the term or time thereby granted or limited, for or upon

1,280,000 l. to be raised by sale of annuities, whereof 1,020,000 l. for the expence of the war, &c. and 260,000 l. for payment of annuities purchased on this act.

Half subsidy of tonnage and poundage continued from 31 July, 1712, for 96 years. Perpetuated by 1 Geo. 1. stat. 2. c. 12. f. 2. 5 Ann. c. 27. Surplus of money arising by this act, how appropriated. 7 Ann. c. 7. f. 32.

upon the like imported wines, goods, and merchandizes respectively; except such goods and other merchandizes as by the said act of the fifth year of her Majesty's reign, or by any law now in force, are exempted from the payment of the subsidies or duties which were first granted in the twelfth year of the reign of King *Charles* the Second as aforesaid.

Except goods
exempted by
former acts.
12 Car. 2. c. 4.

II. And it is hereby enacted, That in all cases where, by the said act of the fifth year of her Majesty's reign, or by any act relating thereunto, any drawbacks or abatements are to be made of the whole or any part of the duties thereby imposed, upon any wines, goods or merchandises whatsoever, there shall be in the like cases proportional drawbacks and abatements made of the whole or part of the duties by this act imposed upon the same wines, goods, and merchandizes respectively; and that the several subsidies and duties by this act granted, during the continuance thereof, shall be raised, collected, levied, secured, and paid, within and throughout the kingdom of *Great Britain*, by the same ways, means, and methods, and under such penalties and forfeitures, and with such allowances, and subject to such rules and directions as in and by the said act of the fifth year of her Majesty's reign, or by any other act or acts therein referred unto, are prescribed or appointed, for the raising, collecting, levying, securing, and paying the said subsidies and duties granted by the said act of the fifth year of her Majesty's reign, during the continuance thereof; and that every article, rule, and clause contained in the said act of the fifth year of her Majesty's reign, or in any act or acts of parliament therein mentioned, or thereby referred unto, for raising, collecting, levying, securing, and paying the said subsidies and duties thereby granted, during the continuance thereof, are and shall be by force of this act revived, and shall be used, exercised and put in practice, for the raising, levying, collecting, and answering the subsidies and duties granted or imposed by this present act, during the said term of ninety six years, and all arrearages thereof from time to time, as fully and effectually as if the same articles, rules, and clauses, and every of them, were again particularly and at large recited and re-enacted in the body of this present act; except only as to such of the said articles, rules, and clauses, touching which other provisions, alterations, or exemptions are made by any act or acts of parliament now in being, which other provisions, alterations, or exemptions shall be observed with respect to the duties hereby granted, during the continuance of this act, in the same manner as they are to be observed with respect to the said subsidies formerly granted as aforesaid.

The same
drawbacks,
&c. allowed.

Former pow-
ers revived.

§ Ann. c. 27.

Except where
other provi-
sion is made.

III. And for the better and more sure payment of all the annuities to be purchased on this act, be it further enacted by the authority aforesaid, That all the monies arising from time to time by or for the further subsidies and duties by this act granted or payable (the necessary charges of managing, raising, levying, collecting, answering, paying, and accounting for the same only excepted) shall from time to time, from and after the

Monies to be
paid into the
Exchequer se-
parately.

commencement thereof, for and during the said term of ninety six years therein granted, be brought and paid by the receiver general, or such person or persons as for the time being shall have the receipt thereof (who are hereby required and enjoined to bring and pay the same as it shall be raised) into the receipt of the Exchequer, for the purposes in this act expressed, distinctly and separately from all other monies whatsoever that are or shall be payable by him or them into the said receipt.

After the principal, &c. charged by 5 Ann. c. 27. are paid off, then the half subsidy to be paid weekly into the Exchequer.

IV. And be it enacted by the authority aforesaid, That from and immediately after the time that all the principal and interest monies which by the said act of the fifth year of her Majesty's reign are charged upon the aforesaid subsidies of tonnage and poundage thereby granted, shall be satisfied and paid off, or that money shall be reserved in the Exchequer sufficient for that purpose, then one moiety or half part of the aforesaid subsidies of tonnage and poundage, to arise by the said act of the fifth year of her Majesty's reign, for the remainder of the term thereby granted, and therein then to come and unexpired (except the necessary charges of raising, collecting, levying, and accounting for the same) shall in like manner from time to time be brought and paid into the receipt of the Exchequer for the purposes in this act expressed distinctly and apart as aforesaid, and the said receiver and receivers general, or other persons who shall have the receipt of the said moiety or half part of the said subsidies and duties by this or the said former act granted, and hereby required to be paid into the receipt of the Exchequer as aforesaid, shall make or cause to be made the payments thereof into the said receipt of the Exchequer, according to the true meaning of this act, weekly, to wit, on *Wednesday* in every week, if it be not an holy-day, and if it be, then on the next day after that is not an holy-day.

260,000l. reserved for discharging the quarterly payments.

V. And for the better securing the quarterly payments which shall grow due upon the annuities to be purchased in pursuance of this act, before the monies arising by the half-subsidies and duties before-mentioned can take place for payment of the same, be it enacted by the authority aforesaid, That the said sum not exceeding two hundred and sixty thousand pounds, part of the contribution monies to be raised by sale of annuities upon this act, or so much thereof as shall be sufficient in this behalf, shall and may be reserved and applied for and towards the discharging the quarterly payments last-mentioned.

The half subsidy, &c. appropriated for payment of the annuities.

VI. And be it further enacted by the authority aforesaid, That the said half subsidies and duties by this act appointed to be paid into the Exchequer weekly for the purposes in this act contained, as aforesaid, and the said sum not exceeding two hundred and sixty thousand pounds hereby directed to be reserved out of the contribution-money as aforesaid, or so much of the same subsidies, duties, and reserved monies as shall be sufficient for answering the full and due payment of all the annuities to be purchased on this act, and all arrearages thereof from time to time incurred, are and shall be by virtue of this act, liable and

appropriated thereunto, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, under the penalties, forfeitures, and disabilities in this act expressed; and all the monies arising by the said half subsidies, duties, and provisions hereby made, out of which the said annuities to be purchased upon this act are to be satisfied, shall be fairly and duly entred in one or more book or books to be kept in the offices of the auditor of the receipt, and clerk of the pells for that purpose, to which all persons concerned at all feasonable times shall have free access, without fee or charge.

To be entred
in a book, &c.

VII. And to the end all the monies by this act appropriated for payment of the annuities to be purchased on this act, may be duly and certainly raised and brought into the receipt of the Exchequer for that purpose, it is hereby further enacted, That from time to time, during the continuance of this act, there shall be continued or appointed commissioners, and a receiver or receivers general, as also comptrollers, collectors, and other proper officers for raising the severall half subsidies and duties by this act intended for the payment of the annuities to be purchased thereupon, and for keeping the accounts of the same; and that all commissioners, receivers general, comptrollers, collectors, and other officers, who are or shall be concerned in the managing, raising, levying, receiving, collecting, or paying the same, or in keeping the accounts thereof, shall perform their severall and respective duties therein, as to them respectively shall appertain, under such and the like penalties, forfeitures, and disabilities, for any offence or neglect therein, or for detaining diverting, or misapplying any part of the said monies, as are prescribed and to be inflicted by virtue of an act of parliament made and passed in the ninth year of the reign of his late majesty King *William* the Third, of glorious memory (intituled, *An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies*) for the like offence or neglect in relation to the duties upon salt, and other duties upon stamp vellum, parchment, and paper thereby granted, or for detaining, diverting, or misapplying any part of the monies which were granted by the act last-mentioned.

Commissioners
and other of-
ficers, &c. to
be appointed.

Who shall be
subject to the
penalties, &c.
in 9 & 10 W.
3. c. 44.

VIII. And for the raising any sum or sums of money, not exceeding in the whole the said sum of one million and two hundred and eighty thousand pounds, for such uses as aforesaid, it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay into the receipt of her Majesty's Exchequer for her Majesty's use, at or before the respective days and times in this act limited in that behalf, any sum or sums of money, not exceeding in the whole the said sum of one million two hundred and eighty thousand pounds, for purchasing any annuity or annuities to be paid and payable during the full term of ninety nine years, to be reckoned from the four and twentieth day of

Any persons
may lend
1,280,000 l.
for purchasing
annuities at
16 years pur-
chase.

June, in the year of our Lord one thousand seven hundred and eight, at the rate of sixteen years purchase, which rate doth amount to the sum of one hundred and sixty pounds for every such annuity of ten pounds *per annum*, and proportionably for any greater annuity; and the same rate, or consideration-money, is hereby appointed to be paid into the said receipt, at or before the respective days or times herein after mentioned; that is to say, one fourth part thereof on or before the twentieth day of *April*, in the year of our Lord one thousand seven hundred and eight; one other fourth part thereof on or before the two and twentieth day of *June*, in the year of our Lord one thousand seven hundred and eight; one other fourth part thereof on or before the twentieth day of *August* in the year of our Lord one thousand seven hundred and eight; and the remaining fourth part thereof on or before the twentieth day of *October*, in the year of our Lord one thousand seven hundred and eight: all which annuities so to be purchased, shall not exceed in the whole the sum of eighty thousand pounds *per annum*, and shall be paid and payable at the four most usual feasts or days of payment in the year; that is to say, the feast of *St. Michael* the archangel, the birth of our Lord Christ, the annunciation of the blessed virgin *Mary*, and the nativity of Saint *John* Baptist, by even and equal portions; the first payment thereof to be due at the feast of *St. Michael* the archangel, which shall be in the year of our Lord one thousand seven hundred and eight.

Times of payment.

Annuities not to exceed 80,000*l.* per annum, and to be paid quarterly. In part subscribed into South Sea Stock pursuant to 6 Geo. 1. c. 4.

Contributors names to be entred, &c.

IX. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells in the Exchequer severally, there shall be provided and kept a book or books, in which there shall be fairly entred the names of all who shall be contributors, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sum so paid: to which book it shall be lawful for the said respective contributors, their executors, administrators, and assigns, from time to time, and at all reasonable times, to have resort, and to inspect the same without fee or reward.

Annuities charged upon the half subsidy, &c.

X. And be it further enacted by the authority aforesaid, That all and every the annuities whatsoever, which shall be purchased upon or in pursuance of this present act, shall be and are hereby charged upon, and shall be paid and payable from time to time in the first place, and with preference to all other payments whatsoever, out of the monies arising from time to time, of or for the said half subsidies, and other duties appointed to be brought in weekly for that purpose, as aforesaid, and out of the said sum of the contribution-money hereby appointed to be reserved, as aforesaid; and so much of the said half subsidies, duties, and reserved monies so appointed, as shall be sufficient to satisfy and discharge all the annuities to be purchased on this act, and all the arrearages thereof, at any time due or owing, are and shall be, by virtue of this act, appropriated and applied to and for satisfying and discharging of the same annuities, and such arrearages

rearages thereof accordingly, and shall be issued, disposed, and applied to that use, and to no other use, intent, or purpose whatsoever, under the penalties, forfeitures, and disabilities in this act expressed; any thing herein contained, or other matter or thing whatsoever, to the contrary notwithstanding.

XI. Provided always, and it is hereby enacted by the authority aforesaid, That if at the end of any quarter of a year of the term for which the annuities upon this act are to be purchased, the monies arising at the Exchequer of or for the said half subsidies and duties by this act appropriated (the contribution-money to be reserved, as aforesaid, being excepted) shall exceed all the monies then due for or upon the same annuities, and all arrearages thereof, then or at any time or times before that time incurred, so that there shall be an excess or surplus remaining in the Exchequer, such excess or surplus shall be disposable from time to time for the publick use and service, and not otherwise; any thing herein contained to the contrary notwithstanding.

Surplus to be applied to publick use. *Further provisions relating hereto.* 7 Annæ, c. 7. §. 32.

XII. And be it further enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the consideration or purchase-money at the rate aforesaid, at or before the respective days or times in this act limited in that behalf, for any such annuity or annuities as aforesaid, or such as he, she, or they shall appoint, his, her, or their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be entitled by virtue of this act, to have, receive, and enjoy the respective annuity and annuities so to be purchased out of the monies by this act appropriated or appointed for the payment thereof, during the said whole term of ninety nine years, to be purchased therein, as is above-mentioned; and that all and every such purchasers, their executors, administrators, and assigns respectively, shall have good and sure estates and interests in the several annuities so by them to be purchased according to the tenor and true meaning of this act; and that all the said annuities to be purchased on this act, and every of them, during the term aforesaid, shall be free from all taxes, charges, and impositions whatsoever.

Contributors entitled to the annuities, &c.

Tax-free.

XIII. And be it further enacted by the authority aforesaid, That every contributor upon this act for any annuity or annuities as aforesaid, his, her, or their executors, administrators, or assigns, upon payment of the consideration or purchase-money for the same, at the rate aforesaid, or any part or proportion thereof, within the time or times in this act limited in that behalf, shall immediately have one or more tally or tallies levied, importing the receipt of so much consideration-money as shall be so paid; and upon payment of all the purchase-money for any such annuity or annuities, at the rate aforesaid, every such contributor, his, her, or their executors, administrators, successors, or assigns respectively, shall have an order for paying of the said annuity and annuities, for and during the said term of ninety nine years, to be purchased therein; which order shall be signed by the treasurer and under treasurer of the Exchequer,

And to have tallies and orders struck. &c.

or any three or more of the commissioners of the treasury for the time being; and after the signing thereof, the same shall be good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any treasurer or under treasurer of the Exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office, or offices of them or any of them; nor shall any lord high treasurer of Great Britain, treasurer of the Exchequer, or any commissioners of the treasury now or for the time being, have power to revoke, countermand, or make void such orders so signed as aforesaid, or any of them.

5 per cent. for
prompt pay-
ment before
30 April, 1708.

XIV. And for the encouragement of the contributors to advance and pay forthwith into the receipt of the Exchequer the sums by them intended to be advanced upon this act, it is provided and enacted by the authority aforesaid, That every such contributor who shall advance and pay into the said receipt of Exchequer, all or any part of the purchase-money payable for any such annuity or annuities as aforesaid, before the said twentieth day of April, in the year of our Lord one thousand seven hundred and eight, his, her, or their executors, administrators, or assigns, shall be allowed and paid out of the contribution-money arising by this act, interest after the rate of five pounds *per centum per annum* for the prompt payment of the money so advanced, from the time of the actual advancing and paying the same, until the said twentieth day of April, one thousand seven hundred and eight.

Annuities af-
signable, &c.

XV. And be it further enacted, That it shall and may be lawful to and for any contributor or contributors, his, her, or their executors, administrators, successors, or assigns, at any time or times, during the continuance of his, her, or their term, estate, or interest of and in any annuity to be purchased upon this act, by any writing under his, her, or their hands and seals, or under the common seal of a corporation, or by his, her, or their last will in writing, to assign or devise such annuity, or any part thereof, or any interest therein, to any person or persons whatsoever, and so *toties quoties*, and no such assignment to be revocable, so as an entry or memorandum of such assignment or will be made in books to be kept for that purpose in the said office of the auditor of the receipt, within the space of three months after such assignment, or death of the deviser; and that upon producing such assignment, or will, or probate thereof, in the said office of receipt, to be entred as aforesaid, the party so producing the same shall bring therewith an affidavit taken before one or more of her Majesty's justices of the peace, of the due execution of the said assignment or will, which affidavit shall be severally filed in the said office; which said entry or memorandum the proper officers in the said receipt of Exchequer are hereby required to make accordingly, and to file the said affidavits; and in default of such assignment or devise by deed or will, the

the interest of such contributor shall go to his or her executors or administrators.

XVI. And it is hereby enacted, That it shall and may be lawful for any guardian or trustee, having the disposal of the money of any infant under the age of one and twenty years, for the use and benefit of such infant, to advance and pay the sum of one hundred and sixty pounds of the money of such infant, to purchase an annuity upon this act, for the benefit of such infant, and the said guardian or trustee, as to the said sum of one hundred and sixty pounds so advanced, is hereby discharged.

Guardians
may advance
160 l. for be-
nefit of infant.

XVII. And be it further enacted, for the better encouragement of persons to advance the monies on this act, That all receipts and issues, and all other things directed by this act to be performed in the Exchequer, shall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity or reward for the same; and in case any of the officers of the Exchequer shall take or demand any such fee or reward, or shall divert or misapply any of the monies of the said half subsidies, and other duties or monies hereby appropriated, or any part thereof, which should make good the payment of the said annuities, or shall pay or issue out the same otherwise than according to the intent of this act, or shall not keep books or registers, and make entries, and do and perform all other things which by this act they are required to perform, every such officer shall forfeit his office, and be for ever incapable of any office or place of trust, and shall answer and pay treble damages to every contributor or person who shall be prejudiced thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege of parliament, or other privilege, wager of law, injunction, order of restraint, or more than one imparlance shall be granted or allowed; and in the said action the plaintiff upon recovery shall have full costs; one third of which sum to be recovered for damages shall be to the use of her Majesty, her heirs and successors, and the other two third parts, with the costs, shall be to the use of the prosecutor; and in case there shall be any collusion or feint prosecution between the plaintiff and defendant in such action, it shall be lawful for any other contributor, his or her executors, administrators, or assigns, to bring another action, wherein he or she shall recover as aforesaid, to the like uses as aforesaid.

Officers of the
Exchequer to
take no fee,
&c.

Penalty.

XVIII. Provided always, That no person or persons whatsoever shall or may purchase or obtain, or be admitted to purchase or obtain any annuity whatsoever upon this act, unless the whole, or one fourth part at least of the consideration-money for the same, at such rate as aforesaid, be advanced and paid into the said receipt of Exchequer on or before the said twentieth day of *April*, one thousand seven hundred and eight.

No purchase
unless one
fourth be paid
by 20 April,
1708.

XIX. Provided also, That in case any such contributor as aforesaid, who shall on or before the said twentieth day of *April*, one thousand seven hundred and eight, have advanced one fourth

Contributor
paying one
fourth part,
and not the
part

remainder,
forfeits what
is paid.

part of his or her purchase-money, or his, her, or their executors, administrators, successors, or assigns, do not advance and pay into the said receipt of Exchequer one other fourth part of his or her consideration-money, so to be paid for such respective annuity or annuities as aforesaid, on or before the said two and twentieth day of *June*, one thousand seven hundred and eight; and one other fourth part thereof on or before the said twentieth day of *August*, one thousand seven hundred and eight; and the remaining fourth part thereof on or before the said twentieth day of *October*, one thousand seven hundred and eight; then, and in every such case respectively, no order shall be drawn or signed for such respective annuity, for which the consideration-money shall not be fully paid as aforesaid; but so much of the consideration-money as shall have been actually paid into the receipt of the Exchequer for such respective annuity, shall be forfeited to her Majesty, her heirs and successors, and shall be applied, together with other the monies to be raised by this act, for such publick services as aforesaid; any thing in this act contained to the contrary notwithstanding.

Treasury may
reward officers,
clerks,
&c. out of the
surplus of
duties, &c.

XX. Provided also, and it is hereby enacted, That it shall and may be lawful to and for the treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being, out of the said half subsidies and other duties by this act appropriated for making good the said fund, not exceeding eighty thousand pounds *per annum*, which shall arise over and above so much as shall be sufficient to make up the said yearly fund for discharging all the annuities to be purchased on this act, to reward the officers, clerks, and others to be employed in the payment of the said annuities, or the accounts thereof, for their labour, pains, charges, and service therein respectively, and to defray all other the necessary charges incident to the payment of the said annuities, as to the said treasurer or commissioners of the treasury for the time being shall seem meet and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

XXI. *And whereas in and by the said act of the fifth year of her said Majesty's reign, a credit was given for any sums not exceeding eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings and six pence farthing, to be borrowed at an interest, after the rate of six pounds per centum per annua, upon the several subsidies, impositions, and duties in that act mentioned, and the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, are thereby authorized and directed to cause the officers of the receipt of Exchequer to receive from time to time by way of loan, at the like interest, at the said receipt, any further sum and sums of money over and above the said sum of eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings, and six pence farthing, as should be sufficient to make good the payment of all the interest monies appointed or allowed by that act, every three months, until the subsidies, impositions, and duties therein mentioned should come into the Exchequer, and be sufficient for that purpose,*

pose, pursuant to the true intent and meaning of that act: now it is hereby provided and enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend to the taking away, altering, or lessening the said power and direction of borrowing monies to make good the payment of the said interest every three months, until the said subsidies, impositions, and duties in the said recited act mentioned shall come in and be sufficient for that purpose as aforesaid, or in any wise to alter or prejudice the security given by the said act of the fifth year of her Majesty's reign, for the repayment or satisfaction of the same, or any other the principal or interest monies, which were secured, or intended to be secured by that act, and that the orders for the same shall be registred in course, and paid in the same manner as if this act had not been made; this present act, or any thing therein contained, or any other matter or thing whatsoever, to the contrary in any wise notwithstanding.

XXII. *And whereas several tickets, commonly called Million lottery tickets, and Malt lottery tickets, which are still unpaid, and several bills called Exchequer bills, not yet discharged, also divers sorts of bills or certificates, commonly called Debentures, made forth for arrears due to the army, and for transport services, not being applied to the purchasing of any of the forfeited estates in Ireland, or otherwise discharged, and also divers tallies and orders for payment of annuities granted by acts of parliament, are by casualty or mischance lost, burnt, or otherwise destroyed; be it hereby further enacted, That in all cases where it shall appear by affidavit, to be made before any of the barons of the Exchequer for the time being, to the satisfaction of such baron or barons, That any such tickets, bills, debentures, tallies, or orders, as aforesaid, before the third day of March, one thousand seven hundred and seven, have been or are lost, burnt, or otherwise destroyed, it shall and may be lawful for the respective officers or persons appointed to sue and make forth the said tickets, bills, debentures, tallies, or orders, or to pay and discharge the same, or to issue any monies due and payable thereon, upon the producing of a certificate from any of the said barons of such affidavit made before him which affidavit the said barons, or any of them, is and are hereby authorized to take, and which certificate he or they are hereby required to make and grant without fee or reward) and on security given to the said respective officers and persons to their good liking, to indemnify them respectively against all other persons whatsoever, for or concerning the monies specified in, and due upon such respective ticket or tickets, bill or bills, debenture or debentures, talley or tallies, order or orders, they the said officers and persons respectively, shall and are hereby required to make forth duplicates of the said tickets, bills, debentures, or orders, and to innovate the said tallies, at the request of the respective owners, and to pay and discharge the said tickets, bills, debentures, tallies, and orders, and all such interest as is or shall be due on the said tickets, bills, debentures, or orders, carrying interest, as he or they should have paid and discharged*

Clause of credit in 5 Annæ, c. 21 not lessened by this act.

Lottery tickets, Exchequer bills, debentures, &c. burnt or lost and not discharged, new ones to be made forth in lieu of such so lost, &c. On affidavit and certificate, &c.

Officers to pay the same.

discharged on the said original bills, tickets, debentures, tallies, or orders, if the same had been produced, and shall be allowed the same in all their respective accounts; and if there shall not be any proper officer or person to make forth the said duplicates, or any of them, that the lord high treasurer of her Majesty, her heirs or successors, or the commissioners of the treasury for the time being, or any three of them, shall and are hereby authorized and required upon such affidavit and security, as aforesaid, to order and direct any such duplicates to be made forth, in such manner as he or they shall judge to be best; all which matters and things shall be done without fee or reward to be taken or demanded for the same; any thing in this or any other act of parliament contained to the contrary thereof in any wise notwithstanding.

Without fee.

Irish debentures not registered within times limited, may be registered before
24 June, 1708.
4 Annæ, c. 24.

XXIII. *And whereas several officers and other proprietors of debentures made forth by the late paymaster of the army, commissioners for transports, and by the commissioners of accounts, in that behalf authorized respectively, have omitted to register the said debentures within the time limited by act of parliament for that purpose made and passed in the fourth year of her present Majesty's reign, intituled, An act to enlarge the time for registering unsatisfied debentures upon the forfeited estates in Ireland, and for renewing of other debentures which have been lost, burnt, or destroyed; for the relief therefore of all such officers and other proprietors of the said unregistered debentures, be it enacted by the authority aforesaid, That it shall and may be lawful to and for all such officers and other proprietors of any of the said debentures, who have not registered the same, to register their debentures on or before the four and twentieth day of June, one thousand seven hundred and eight; which said debentures being so registered, shall, and are hereby entitled to all the benefit of interest and other advantages, as if registered on or before the four and twentieth day of March, one thousand seven hundred and six.*

Purchasers having paid one fourth part, &c. may have advanced all or any the quarterly payments, due before 29 Sept. 1711. deducting 4 l. per cent.

XXIV. *Provided always, and be it enacted and declared by the authority aforesaid, That in case any purchaser or purchaser of any annuity or annuities upon this act, having paid one fourth part or more of the purchase-money hereby appointed to be paid for the same, shall be minded and desirous to be paid by way of advance out of the monies by this act appointed to be reserved (when such money shall be reserved) as aforesaid, all or any of the quarterly payments to grow due upon such annuity or annuities at or before Michaelmas, one thousand seven hundred and eleven, then an order shall be forthwith drawn and signed, according to the course of the Exchequer, and satisfied, for the immediate paying, by way of advance, such quarterly payments, as aforesaid, out of the said reserved monies, deducting for the uses of this act, upon every quarterly payment to be advanced, so much as an interest after the rate of four pounds per centum per annum shall amount unto, from the time of such advance, until such quarterly payments respectively would grow*

due by the days of payment limited for the same by this act; any thing in this act contained to the contrary notwithstanding.

CAP. XII.

An act to explain the act of the last session of parliament, for the ease of her Majesty's subjects in relation to allowances out of the duties upon salt carried coastwise, and also an act of the first year of her Majesty's reign, in relation to certain salt works near the sea-side and bay of Holy-head in the county of Anglesea.

I. **WHEREAS** by an act passed the last session of parliament, intituled, An act for the ease of her Majesty's subjects ^{5 Annæ, c. 19.} in relation to the duties upon salt, and for making the like allowances upon the exportation of white herrings, flesh, oatmeal, and grain called beer, *alias* bigg, as are to be made upon exportation of the like from Scotland; it was provided and enacted, That any person that shall ship any English white salt or rock salt to be carried coastwise, after the first day of May, one thousand seven hundred and seven, from one port of England or Wales, or the port of Berwick upon Tweed, to any port of England or Wales or Berwick upon Tweed, the duties having been paid or secured to be paid, according to former laws, shall have an allowance made to him after the rate of three bushels for every forty bushels of English white salt, and after the rate of one bushel and an half for every forty bushels of English rock salt so shipped to be carried coastwise, and proportionably for a greater or less quantity, in consideration of the ordinary waste in the carriage thereof; which allowance shall be but once made for the same salt, although such salt shall be carried from several ports coastwise, as aforesaid: and whereas there has been some doubt in relation to the allowance for the ordinary waste of salt, where the said salt has been shipped to be carried to a member of the same port, though at a considerable distance from the same; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons that shall (from and after the first day of March, one thousand seven hundred and seven) ship salt to be carried coastwise by cockst or transire, twenty miles by sea or more, or from the port of *Great Yarmouth* in the county of *Norfolk* to *Lowestoff*, or *Southwold Bay* in the county of *Suffolk*, although unto a member or creek of the port from whence it was first shipped off, shall have an allowance after the rate of three bushels for every forty bushels of *English* white salt, and after the rate of one bushel and an half for every forty bushels of *English* rock salt so shipped to be carried coastwise, and proportionably for a greater or lesser quantity, in consideration of the ordinary waste in the carriage thereof, the duties having been first paid, or secured to be paid, according to former laws; which allowance shall be but once made for the same salt, although such salt shall be

Ordinary waste of salt.

Allowances for salt carried coastwise 20 miles, or from Yarmouth to Lowestoff or Southwold Bay.

be carried coastwise from several ports as aforesaid, or members or creeks of ports.

1 Annæ, stat.
1. C. 21. l. 10.

8 Geo. 2. C. 12.
l. 2.

Rock salt may
be used in
making salt in
salt works
near Holy-
head.

II. *And whereas by an act made in the first year of the reign of her present Majesty, it is enacted, That no rock salt whatsoever shall be refined or made into white salt in any place or places whatsoever, within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, except in such places as are or shall be within ten miles distance of the respective pit or pits from whence such rock salt shall be taken, or at such places as, on or before the tenth day of May, one thousand seven hundred and two, shall have been used for the refining of rock salt, under a penalty therein expressed: and whereas certain salt works have been with great charges erected near the sea-side and bay of Holy-head in the county of Anglesea in North Wales, for the making of white salt from sea water; and upon several occasions rock salt is very useful to strengthen the brine in the said works, when weakened by fresh water, or other accidents; but the proper use of the said salt works not being for the refining rock salt, it hath been doubted whether rock salt might be there used: for preventing such doubts for the future, be it enacted by the authority aforesaid, That rock salt may be so used in the making salt from sea water in the said salt works near Holy-head aforesaid, any thing in the said act, or in any other law or statute to the contrary notwithstanding, so as her Majesty's duties for all the salt proceeding as well from the said rock salt as from the sea water be duly charged, answered, and paid to her Majesty's use.*

5 Annæ, c. 29.
sect. 6.

III. *And whereas by the said act it is enacted, That for all white herrings which shall from and after the first day of May, one thousand seven hundred and seven, be exported from any part or place in the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, to parts beyond the seas, by any person or persons whatsoever, there shall be the like allowances as are to be made upon the exportation of white herrings from Scotland, upon the oath of the exporter or his agent, taken before the principal officers of the port from whence the same are exported, that such herrings were cured with salt for which the duties have been paid, and not drawn back, and that the same are really exported to parts beyond the seas, and not reloaded or intended to be reloaded in England, Wales, or Berwick upon Tweed: and whereas many of her Majesty's subjects cannot have the benefit that was intended for them by the said act, in regard the salt with which the white herrings are salted in many parts of England pass through many hands, and the persons who export such herrings buy the same already cured of persons to whom they are sent to be sold and disposed of at ports far distant from the places where they are cured, and by reason thereof such exporters are incapable of making such oath as by the act is required: for remedy whereof, be it enacted by the authority aforesaid, That for all white herrings which shall from and after the five and twentieth day of March, one thousand seven hundred and eight, be exported from any port or place in the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, to parts beyond the seas, by any person or persons whatsoever, there shall be the allowances made*

Allowance to
be made on
exportation of
white her-
rings.

as are directed by the said act to be paid, by the officer appointed to collect the duties upon salt in the same port, at such times, and in such manner, and upon such debenture, and so verified, as in the said act is directed, upon oath of the exporter, or his agent, to be first taken, in manner as in the said act is expressed, That he bought the herrings in such debenture mentioned, and that the same were cured with salt for which the duties had been paid, and not drawn back, to the best of his knowledge and belief, and that the same are really exported to parts beyond the seas, and not relanded, or intended to be relanded, in *England, Wales, or Berwick upon Tweed*, in which oath shall be inserted the name of the person or persons of whom the said herrings were bought.

CAP. XIII.

An act for the better securing the trade of this kingdom by cruizers and convoys.

EXP.

Forty three ships of war to be employed as cruizers in proper stations, as lord high admiral shall direct, &c. Ships to be careened three times a year. In case of necessity, lord admiral may order any of the said ships to be employed in the line of battle. Commissioners of the navy to be appointed to take care of cruising ships, and send account, within eight days after meeting of parliament, when such ships sailed out of port, &c. Lord admiral to nominate the number of cruising ships by 26 March, 1708. and afterwards yearly between 1 November and 1 December during the war. If taken or lost, to appoint others. For encouragement of the sea service, officers and seamen of Queen's ships, privateers, &c. to have the sole property in all prize ships. Proviso touching appraisement of prize ships taken into Queen's service. Treasurer of the navy to pay 5 l. for every man on board ship taken from the enemy. Not to exempt prize ships or goods from payment of customs. Such goods to be brought on shore, and put into the Queen's warehouses, &c. until appraised and sold. After sale, notice to be given for payment to captors, &c. Shares not demanded in three years, to go to Greenwich Hospital. *Farther provision for Greenwich Hospital*, 10 ANNÆ, c. 17. sect. 9. To whom bills for prize ships taken into the Queen's service, &c. and the 5 l. per man, shall be made payable. Commander, &c. imbezling prize goods to forfeit treble the value. *To continue during the war.*

10 Ann. c. 19.
f. 14.

CAP. XIV.

An act for the better security of her Majesty's person and government.

FOR the better security of her Majesty's person and government against the practices and attempts, of all persons who shall be suspected to be disaffected and dangerous to the same, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all officers civil and military, in that part of the kingdom of *Great Britain*, commonly called *Scotland*, shall be obliged to take the following oath :

This act enlarged by 8 Ann. c. 15. Officers civil and military in Scotland to take the oath.

I A. B. do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, That our sovereign lady Queen Anne is lawful and rightful Queen of this realm, and of all other her Majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my conscience

And by 10 Ann. c. 12. f. 6. patrons of livings must take this oath.

By 10 Ann. c. 2.
 s. f. 10.
 Advocates.
 Altered by 1
 Geo. 1. c. 13.

science, the person pretended to be prince of Wales, during the life of the late King James, and since his decease pretending to be, and taking upon himself the stile and title of King of England, by the name of James the Third, or of Scotland by the name of James the Eighth, or the stile and title of King of Great Britain, hath not any right or title whatsoever to the crown of this realm, or any other the dominions therunto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, That I will bear faith and true allegiance to her majesty Queen Anne, and her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against her person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to her Majesty and her successors all treasons and traitorous conspiracies, which I shall know to be against her or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the crown against him the said James, and all other persons whatsoever, as the same is and stands settled by an act, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown to her present majesty, and the heirs of her body, being protestants; and as the same by one other act, intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject, is and stands settled and entailed after the decease of her Majesty, and for default of issue of her Majesty, to the princess Sophia, electress and dutchess dowager of Hanover, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgement, abjuration, renunciation and promise, heartily, willingly, and truly, upon the true faith of a christian.

1 W. & M.
 ft. 2. f. 2.
 13 & 14 W. 3.
 c. 2.

So help me God.

Before whom
 oath shall be
 taken.

II. And be it further enacted by the authority aforesaid, That all such persons now having or bearing any the offices aforesaid, and who in respect thereof have been or are obliged and required to take in Scotland an oath, called, *The oath of allegiance and assurance*, before the privy council there, shall be obliged, on or before the twentieth day of *April*, one thousand seven hundred and eight, to take and subscribe the oath hereby appointed, before that privy council while it shall continue, and after the determination thereof, before and in the court of the lords of session, or the court of justiciary, or the court of Exchequer there; and all others now in any other the offices aforesaid, who in respect thereof have used and been obliged to take the said oath of allegiance and assurance in any other court or place, shall be, and are hereby required and obliged to take and subscribe the same at the next quarter sessions of the peace which shall

shall be held for any county or place in which any such officer shall be resident or abiding.

III. And be it further enacted by the authority aforesaid, That all and every person or persons whatsoever, who shall hereafter be admitted into any office, civil or military, within that part of *Great Britain* called *Scotland*, shall within three months after his admittance into any such office take and subscribe the oath hereby appointed in the courts above-mentioned respectively, according to the distinction above-mentioned for persons now in office to take the same.

All persons in 3 months after admittance to office to take the oath.

IV. And be it further enacted by the authority aforesaid, That the said respective courts shall from time to time administer the said oath to such persons as shall tender themselves to take the same, and shall keep proper rolls of parchment, in which the subscriptions of all persons taking the said oaths shall from time to time be made; to which all persons may have free access without fee or reward.

Courts to administer the oath, &c.

V. And be it further enacted by the authority aforesaid, That every person hereby required to take and subscribe the oath aforesaid, and neglecting or refusing so to do, at such times, and in such manner as is above directed, shall be adjudged incapable and disabled in law, to all intents and purposes, to have or enjoy any office or offices, in respect whereof he is hereby obliged to take the said oath, and the said office or offices shall be, and are hereby adjudged to be void.

Persons refusing to take the oath, disabled.

VI. And be it further enacted by the authority aforesaid, That every such person and persons who shall neglect or refuse to take the said oath, as aforesaid, and shall after such neglect or refusal, either personally or by deputy, execute any of the said offices, and shall be thereof lawfully convicted, shall incur such penalties, disabilities, and forfeitures as by an act made in *England* in the thirteenth and fourteenth years of the reign of the late King *William* the Third, intituled, *An act for the further security of his Majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors*, are enacted, limited, and appointed for any officer his acting after the neglect or refusal of such officer to take the oath therein prescribed.

Penalty on refusing, and afterward executing office.

13 & 14 W. 3. c. 6.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two justices of the peace, whereof one of them to be of the *Quorum*, within any of the counties, ridings, divisions, stewartries, cities, or boroughs within the said kingdom of *Great Britain*, or any other person or persons who shall be by her Majesty for that purpose specially appointed by order in the privy council, or by commission under the great seal, at any time or times to summon and convene before them all such persons within the limits of their respective jurisdictions, powers, and authorities, as they shall or may suspect to be dangerous or disaffected to her Majesty or her government, and shall and may tender to every such person and per-

Justices may summon before them suspected persons, and tender them the oath,

persons the oath above-mentioned and appointed, and shall at the next quarter sessions of the peace to be held for the county or place in which the said oath shall be tendered, certify the christian names, and surnames, and places of abode of all persons refusing to take the said oath, to be there recorded, and shall be from thence certified by the clerk of the peace of such county, riding, liberty, borough, town corporate, or place within *England*, into her Majesty's court of *Chancery* or *Queen's Bench* at *Westminster*, and by the clerk of the peace of every shire, stewartry, borough or place in *Scotland*, into the court of session, there to be recorded in the register or rolls of the said respective courts; and if the person so refusing and certified shall not, within the next term or session after such refusal, appear in the court of *Chancery*, *Queen's Bench* or *Session*, where such certificate shall be returned, and in open court audibly and solemnly take and subscribe the oath aforesaid, and endorse or enter his so doing upon the certificate so returned, shall be from the time of such his neglect or refusal, taken, esteemed and adjudged a popish recusant convict, and as such shall forfeit and undergo such penalties as a popish recusant convict ought to do by the laws now in force within *England*.

and certify the names of those who refuse, &c.

C A P. XV.

E X P.

An act to empower her Majesty to secure and detain such persons as her Majesty shall suspect are conspiring against her person and government.

C A P. XVI.

An act for repealing the act of the first year of King James the First, intituled, An act for the well garbling of spices, and for granting an equivalent to the city of London by admitting brokers.

1 Jac. 1. c. 19.

WHEREAS by an act of parliament made in the first year of the reign of King James the First, intituled, An act for the well garbling of spices, several drugs, wares, spices and merchandizes are to be garbled within the city of London, and the liberties thereof, as therein is mentioned, under the penalties and forfeitures therein specified, and several powers are thereby given to the garbler for the time being, for that purpose; which act for the garbling of spices, and other wares and merchandizes, in many cases is now become useless, and in other cases would be prejudicial, and to the damage of several wares and merchandizes so to be garbled, to the obstruction and discouragement of the trade of this kingdom, and the foreign exportation, and to the vexation of the subjects, by unnecessary prosecutions in her Majesty's court of Exchequer; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, and from henceforth stands absolutely repealed, and all powers, penalties, and forfeitures therein mentioned or given, shall from henceforth be null and void.

Act for the garbling of spices repealed.

II. And

II. And be it further enacted by the authority aforesaid, That all suits and informations now depending in her Majesty's Suits depending for any time hereafter be brought or prosecuted upon the said act, under pretence of any seizure or forfeiture, or penalty incurred for breach of the said act, or for any offence committed or supposed to be committed against the same, shall be, and are hereby declared to be discharged, discontinued, and determined, and that no proceedings shall be had thereupon, and all seizures upon the said act, made or to be made, are hereby declared to be discharged, released, null, and void.

III, Provided always, That it shall and may be lawful for the lord mayor and court of aldermen, and common council of the city of London for the time being, to appoint from time to time a fit and able person to execute the office of garbler within the city of London, and the liberties thereof, who at the request of any person or persons, owner or owners of any spices, drugs, or other wares or merchandizes garbleable, and not otherwise, shall garble the same, and such garbler shall have and receive for his pains and trouble therein as the said lord mayor, court of aldermen and common council shall appoint, and no more.

IV: And whereas the profits of the said office are part of the revenues and incomes of the city of London, and are now let by lease to William Stewart, under the rent of three hundred pounds per annum, the profits of which office, and the right of the said William Stewart to the same, by repealing the said act will be very much diminished; be it enacted by the authority aforesaid, That from and after the determination of this present session of parliament, all persons that shall act as brokers within the city of London, and liberties thereof, shall from time to time be admitted so to do by the court of mayor and aldermen of the said city for the time being, under such restrictions and limitations for their honest and good behaviour as that court shall think fit and reasonable, and shall upon such their admission pay to the chamberlain of the said city for the time being, for the uses herein after mentioned, the sum of forty shillings, and shall also yearly pay to the said uses the sum of forty shillings upon the nine and twentieth day of September, in every year; all which monies shall in the first place be applied for and towards the paying and satisfying to the said William Stewart the sum of nine hundred sixty seven pounds and ten shillings, for a compensation for his interest in the said office; and that from and after the full payment of the said sum of nine hundred sixty seven pounds and ten shillings to the said William Stewart, all the monies arising by such admissions and yearly payments, shall go to, and be enjoyed by the said mayor and commonalty and citizens of the city of London; and that from and after the determination of this present sessions of parliament, the said lease to the said William Stewart, and every clause therein contained, shall cease, determine, and be absolutely void.

V. And be it further enacted by the authority aforesaid,

VOL. XI,

Z

That

Penalty on
person acting
as a broker
without ad-
mittance.

That if any person or persons, from and after the determination of this present sessions of parliament, shall take upon him to act as a broker, or employ any other under him to act as such, within the said city and liberties, not being admitted as aforesaid, every such person so offending shall forfeit and pay to the use of the said mayor and commonalty and citizens of the said city, for every such offence, the sum of five and twenty pounds, to be recovered by action of debt, in the name of the chamberlain of the said city, in any of her Majesty's courts of record, in which no protection, essoin, or wager of law shall be allowed, or any more than one imparlance.

CAP. XVII.

An act for assuring to the English company trading to the East Indies, on account of the united stock, a longer time in the fund and trade therein mentioned, and for raising thereby the sum of twelve hundred thousand pounds for carrying on the war, and other her Majesty's occasions.

Preamble re-
citing the act
for establish-
ing the East
India compa-
ny.
9 & 10 W. 3.
c. 44.

L MOST gracious sovereign, whereas in and by an act made in the ninth year of the reign of our late sovereign lord King William the Third (of glorious memory) intituled, An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling a trade to the East Indies, it is, amongst other things, enacted, That all the monies arising by the several duties upon salt and rock salt, and upon stampd vellum, parchment, and paper, in the said act mentioned, should be brought and paid into the receipt of the Exchequer yearly and every year, reckoning the first year to begin from the nine and twentieth day of September, one thousand six hundred ninety eight, and that one hundred and sixty thousand pounds per annum, of the monies to arise by the said several duties, and to be brought into the Exchequer by weekly or other payments, in case the same payments should extend therunto, should be the whole and entire yearly fund, and in case the same weekly or other payments should not extend to one hundred and sixty thousand pounds per annum, then the said weekly monies or payments, so far as the same should extend, should be part of the yearly fund, for and towards the answering and paying of the annuities of eight pounds per centum per annum, to such persons or corporations as should subscribe and pay in their monies upon the terms of the said act: and it is thereby further enacted, That it should and might be lawful for his Majesty, by commission under the then great seal of England, to authorize and appoint any number of persons to take and receive all such voluntary subscriptions as should be made on or before the said nine and twentieth day of September, one thousand six hundred ninety eight, by or for any person or persons, natives or foreigners, bodies politick or corporate (the governor and company of the bank of England only excepted) of any sum of money whatsoever, not less than one hundred pounds, for and towards the raising and paying into the receipt of the Exchequer, the sum of two millions

of pounds sterling: and it was therein further enacted, That during the time thereby limited for taking the said subscriptions, it should and might be lawful to and for all and every person and persons, natives and foreigners, bodies politick and corporate, by or for themselves, or any of them, or in trust for any other person or persons, bodies politick or corporate, or any of them (except as aforesaid) freely to subscribe any sum of money not less than one hundred pounds, for or towards the said sum of two millions; and that all monies so to be subscribed should be answered and paid in such manner and form as in the said act is expressed: and it was thereby further enacted, ordained, and declared, That every person and body politick, who should subscribe as aforesaid, and be named or contained in such book or books as are therein mentioned, his, her, or their heirs, executors, administrators, successors, and assigns respectively, should have, receive, and enjoy for ever, out of the fund by the said act settled and provided, one annuity or certain yearly sum, for the whole sum by him, her, or them subscribed, according to the rate or proportion of eight pounds per centum per annum, in the manner thereby prescribed: and it is thereby further enacted, That it should and might be lawful to and for his said late Majesty, by letters patents under the then great seal of England, to incorporate all and every person and persons, natives and foreigners, bodies politick and corporate, who should subscribe, or for whom subscription should be taken; and upon whose subscriptions such payment should be made, as is therein expressed, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors, or assigns, or by any other lawful title, derived or to be derived from, by, or under the said original subscribers, at any time or times thereafter, should have or be entitled to any part, share, or interest of or in the said yearly fund; so long as they respectively should have any such part, share, or interest therein, to be one body politick and corporate, by the name of, The general society entitled to the advantages given by ^{9 & 10 W. 3.} an act of parliament, for advancing a sum not exceeding two ^{c. 44.} millions, for the service of the crown of England, with such succession, capacity, and powers as in the said act is mentioned, and in such charters or letters patents, such further rules, powers, and clauses for carrying on trade, and pursuing the ends and intent of the said act, were to be inserted, as should be lawfully and reasonably desired in that behalf: and it was thereby further enacted, That in case the said whole sum of two millions, or one moiety, or any greater part of the said sum of two millions should be subscribed, as aforesaid, on or before the said nine and twentieth day of September, one thousand six hundred ninety eight, that then, and from thenceforth, all and every the person and persons, natives and foreigners, bodies politick and corporate, by or for whom such subscriptions should be made, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors, or assigns, or by any other lawful title derived or to be derived from, by, or under the said original subscribers at any time or times thereafter, should have or be entitled to any part, share, or interest of and in the said yearly fund, and of and in a proportional part of the principal stock of

the said general society, so long as they respectively should continue to have any part, share, or interest therein, and all and every person and persons, who for any time should be licensed by such person or persons, bodies politick or corporate, to trade in the stead of them, should, or lawfully might for ever thereafter, by themselves severally, or by such factors, agents, or servants as they severally should think fit to entrust, freely traffick, and use the trade of merchandize into and from the East Indies, and parts or limits in the said act mentioned, in such manner, and by such proportions, and subject to such restrictions as in the said act are expressed: and it was further thereby enacted, That if the said whole sum of two millions, or one moiety, or any greater part thereof, should be subscribed on or before the said nine and twentieth day of September, one thousand six hundred ninety eight, and all or any corporations, or other person or persons, having particular shares or interest in the said principal stock of the said general society, or in proportionable annuities or yearly payments issuing out of the said yearly fund, should be willing and desirous to unite and join together such their several shares and interests, and to be incorporated, so as they might be able to manage their trade (in proportion to their interests) as a company, and by a joint stock, that then it should and might be lawful for his said late Majesty, by letters patents under the then great seal of England, to incorporate all such persons and corporations, by such proper names as he should think fit, to be one company, with power to manage and carry on their trade to the East Indies, and other the limits in the said act mentioned, by a joint stock, and to have perpetual succession, and a common seal, with power to grant and take, sue, and be sued, and to choose their own managers, directors and officers from time to time, and such other powers and clauses as should be necessary or requisite for the carrying on of such trade, and should be reasonable for his said late Majesty to grant, nevertheless with such restrictions as in the said act is mentioned; and the directors and managers, and other members of such company, were to be subject to such further rules, qualifications, and appointments, as his said late Majesty in such charter should think necessary or reasonable to be inserted: and in the said act there is contained a proviso or condition of redemption in such manner and form as therein, and hereafter in this present act are expressed: and it is also thereby enacted, That in case the duties arising or appropriated by the said act, should at any time or times appear to be so deficient in the produce of the same, as that within any one year, to be reckoned from the nine and twentieth day of September, which should be in the year of our Lord one thousand six hundred ninety and nine, the weekly payments upon the same duties should not amount to so much as should be sufficient to discharge and satisfy the several and respective benefits, yearly payments or advantages by the said act appointed or intended to be paid, within or for the same year respectively, in every such case, every such deficiency should be answered by or out of the next aids to be raised and granted by parliament in the manner therein mentioned: as by the said act of parliament, in which are contained divers other powers, provisos, authorities, privileges, and clauses, (relation being thereunto had) more fully and at large it

doth

doth and may appear: and whereas in pursuance of the said act, his said late Majesty, by a commission under the then great seal of England, bearing date at Westminster the fourteenth day of July, in the tenth year of his reign, did authorize several persons therein named, to be commissioners, with power to take subscriptions for and towards the raising and paying the said sum of two millions, as by the said commission, relation being thereunto had, may more fully appear: and whereas it appeared by duplicates transmitted into the office of the auditor of the receipt of his said late Majesty's Exchequer, that several sums amounting in the whole to the said sum of two millions of pounds sterling, were subscribed pursuant to the said act: and whereas the said whole sum of two millions was entirely answered to his Majesty's use: and whereas by a charter under the great seal of England, bearing date at Westminster the third day of September, in the tenth year of his said late Majesty's reign, his Majesty created and established the said corporation, or body politick, called, The general society entitled to the advantages given by an act of parliament, for advancing a sum not exceeding two millions, for the service of the crown of England, with such powers, privileges, and benefits as are therein expressed; and whereas by letters patents under the great seal of England, bearing date at Westminster the fifth day of September, in the said tenth year of his said late Majesty's reign, reciting, That the subscribers towards the said sum of two millions therein particularly named and expressed, were willing and desirous to unite or join together their several shares or interests in the principal stock of the said general society, or in their proportionable annuities, or yearly payments issuing out of the said yearly funds, and to be incorporated so as they might be able to manage their trade in proportion to their interest, as a company and by a joint stock, his said late Majesty did grant, ordain, and establish, that the subscribers therein particularly named, and every of them, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors, or assigns, or by any other lawful title, derived or to be derived from, by or under the same subscribers, should have and be entitled to any part, share, or interest of or in the said yearly fund by the said act settled, as aforesaid, or of or in the proportionable annuities or yearly payments issuing out of the said yearly fund, so long as they respectively should have any such part, share, or interest therein, to be one body politick and corporate, by the name of The English company trading to the East Indies, with such benefit of trade, powers, privileges, and advantages, and subject to such restrictions, conditions, covenants, and agreements, as are therein expressed. And whereas by another act of parliament made in the eleventh year of his said late Majesty's reign, reciting, That John Dubois, of London, merchant, had, by direction of, and in trust for the corporation of the governor and company of merchants of London trading into the East Indies, subscribed and paid the sum of three hundred and fifteen thousand pounds, as part of the said sum of two millions, it was enacted, That the said governor and company of merchants of London trading into the East Indies, should remain, continue, and be one body corporate and politick by the

Charter dated
3 Sept. 10 W.

The general
society.
9 & 10 W. 8.
C. 44.

Charter 3 Sept.

English com-
pany trading
to the East In-
dies.

11 & 12 W. 3.
C. 4. a private
act.

name aforesaid, subject nevertheless to be determined upon redemption of the fund by the said act granted: and whereas by an indenture tripartite, bearing date the two and twentieth day of July, in the year of our Lord one thousand seven hundred and two, made between your Majesty of the first part, the governor and company of merchants of London trading into the East Indies of the second part, and the English company trading to the East Indies of the third part, it was (amongst other things) agreed, with your Majesty's approbation, that the said governor and company of merchants of London trading into the East Indies, should purchase from the members of the said English company so much of their capital stock as would make the property of the said governor and company of merchants of London trading into the East Indies equal to the property which would then remain to the other members of the said English company trading to the East Indies; and that the whole trade which might or should be carried on during the term of seven years, to be reckoned from the date of that indenture, to and from the East Indies, and other the parts within the limits aforesaid, for or in respect of their several stocks and funds thereby agreed to be united, should be for the benefit and behoof of all the members of the said English company trading to the East Indies, proportionable to their shares in the capital or principal stock thereof; and that the said governor and company of merchants of London, trading into the East Indies, should have a right and power equal to the rest of the members of the said English company, in the direction, management, and carrying on of the said trade, during the said term of seven years; and that after the end or expiration of the said term of seven years, the whole trade to the East Indies, and other the parts within the limits aforesaid, for or in respect of their united stock and fund, should for ever (subject to the redemption of the said fund by parliament) be wholly managed and carried on by the said English company trading to the East Indies (by whatsoever name the same should then be called) according to the said charter of the fifth of September, in the said tenth year of his said late Majesty's reign, and not otherwise: and to that end and purpose, many covenants, conditions, and agreements were contained in the said indenture, as by the same, relation being thereunto had, may more fully appear: and whereas the united stock of the said governor and company of merchants of London trading into the East Indies, and of all the rest of the members of the said English company trading to the East Indies, in their own names, or in the names of others in trust for them, doth at this time amount to one million nine hundred ninety two thousand eight hundred pounds, part of the sum of two millions before-mentioned; and their united fund doth amount to one hundred fifty nine thousand four hundred twenty four pounds per annum, part of the sum of one hundred and sixty thousand pounds per annum, before-mentioned: and as well the said governor and company of merchants of London trading into the East Indies, as the rest of the members of the said English company trading to the East Indies, are willing to advance to your Majesty, in manner herein after-mentioned, for carrying on the present war, and other your Majesty's necessary occasions, a further sum

of

of twelve hundred thousand pounds of lawful money of Great Britain, upon such terms, conditions, and advantages as are hereafter expressed and set down: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous not only to supply your Majesty with such aids as may enable your Majesty to carry on the said war with vigour, but also to raise the same in such a manner as may create no new charge upon your subjects, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said *English* company trading to the *East Indies*, as well for and on the behalf of the said governor and company of merchants of *London* trading into the *East Indies*, as for and on the behalf of all other the members of the said *English* company, shall advance and actually pay into the receipt of her Majesty's Exchequer, for her Majesty's use, the said sum of twelve hundred thousand pounds, by such proportions, and at such times as are herein after appointed for the payment thereof (that is to say) two hundred thousand pounds part thereof, on or before the twelfth day of *May*, which shall be in the year of our Lord one thousand seven hundred and eight; two hundred thousand pounds more thereof, on or before the twelfth day of *July*, one thousand seven hundred and eight; two hundred thousand pounds more thereof, on or before the eleventh day of *September*, one thousand seven hundred and eight; two hundred thousand pounds more thereof, on or before the twelfth day of *November*, one thousand seven hundred and eight; two hundred thousand pounds more thereof, on or before the twelfth day of *January*, one thousand seven hundred and eight; and two hundred thousand pounds more thereof, and in full satisfaction of the said twelve hundred thousand pounds on or before the tenth day of *March*; which shall be in the year of our Lord one thousand seven hundred and eight; and in case the said *English* company trading to the *East Indies*, shall make failure in any of the said payments hereby appointed to be made, at or before the respective days or times before limited in that behalf, the monies whereof such failure in payment shall be made, shall and may be recovered to her Majesty's use, by action of debt, or upon the case, bill, suit, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law shall be allowed, or any more than one imparlance; in which action, bill, suit, or information it shall be lawful to declare, That the said *English* company trading to the *East Indies*, are indebted to her Majesty the monies of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit, or information, there shall be further recovered to her Majesty's use, against the said *English* company trading to the *East Indies*, damages after

English company to advance
1,200,000l.

Times of payment.

On non-payment company may be sued, &c.

the rate of twelve pounds *per centum*, for the monies so unpaid contrary to this act, besides, full costs of suit; and the said *English* company trading to the *East Indies*, and their successors, and the said united stock and fund shall be and are hereby made subject and liable thereunto.

Company
may borrow
1,500,000 l. on
their com-
mon seal.

II. And for the better enabling the said *English* company trading to the *East Indies*, to raise and pay the said sum of twelve hundred thousand pounds to her Majesty's use as aforesaid, it is hereby declared and enacted by the authority aforesaid, That the common seal of the said *English* company, now in the hands of the managers for the united trade of the *English* company trading to the *East Indies*, shall and may be made use of to borrow any sum or sums of money from time to time, upon account of the said united stock and fund, so as the sum total of all the principal monies which at any one time shall be owing upon the security of the said seal, do not exceed one million five hundred thousand pounds, over and above the monies which might lawfully be borrowed thereupon before the making of this present act.

The two com-
panies may
call in monies
for advancing
1,200,000 l.

III. And it is hereby enacted by the authority aforesaid, That in case the general court of the said governor and company of merchants of *London* trading into the *East Indies*, and the general court of the said *English* company trading to the *East Indies*, at any time or times whilst they shall separately continue, shall think fit, or if the general court of the said *English* company, after the determination of the other general court aforesaid, shall think fit to call in monies from their respective adventurers or members, for or towards the raising the said sum of twelve hundred thousand pounds to be advanced to her Majesty's use, or any part thereof, or for repaying the monies borrowed for that purpose, or the interest thereof, that then it shall and may be lawful to and for the said governor and company of merchants of *London*, trading into the *East Indies*, and the said *English* company trading to the *East Indies* respectively, at any time or times, during the separate continuance of their general courts, as aforesaid, and afterwards to and for the said *English* company trading to the *East Indies*, by whatsoever name or names the same shall then be called or known, to call in, or direct to be paid unto them respectively, from and by their respective adventurers and members for the time being, proportionably, any sum and sums of money which shall from time to time be so thought fit, for or towards the making up the said sum of twelve hundred thousand pounds to be advanced to her Majesty's use as aforesaid, or for repaying the monies borrowed for that purpose, or the interest thereof; and that all executors, administrators, guardians, and trustees, shall be indemnified in paying the same; and in case any adventurers or members of the said respective corporations, shall neglect or refuse to pay his, her, or their shares of the monies so called in, at the time or times appointed for that purpose, by notice to be fixed upon the *Royal Exchange* in *London*, or in case any adventurer or adventurers, member or members of the said respective corporations, shall neglect or refuse to pay

Or for repay-
ing the monies
borrowed.

Executors,
&c. indemnified.

his,

his, her, or their share of the monies which the said companies, or either of them, shall (in pursuance of the said first recited act, and their respective charters, or any or either of them) call in, for the carrying on of their trade, at the time or times appointed for that purpose, by the like notice, as aforesaid, then and in either of the said cases, it shall and may be lawful for the said governor and company of merchants of London trading into the East Indies, and the said English company trading to the East Indies respectively, and their respective successors, not only to stop the share or dividends which shall from time to time become payable to such adventurer or adventurers, member or members, so neglecting or refusing, of the fund, stock, or profits of the said respective companies, and to apply the same from time to time for or towards payment of the share of the money so called in, and which ought to have been paid by such adventurer or adventurers, member or members so neglecting or refusing to pay the same, until the same shall be satisfied, but also to stop the transfers of the shares of every such defaulter, and to charge such defaulter and defaulters with an interest after the rate of six pounds *per centum per annum*, for the monies so by him and them neglected to be paid, from the time the same were appointed to be paid until the payment thereof; and the share and stock of such defaulter and defaulters shall be liable to make good and answer the said monies so appointed to be paid, and the interest thereof; and that in case the principal and interest shall not be paid within the space of three months, then the said governor and company, and the said English company, and their successors respectively as aforesaid, shall have power to sell so much of the stock of such defaulter or defaulters as will satisfy and pay the same.

Members refusing to pay, company may stop their dividends.

And the transfers of such defaulters, and charge them with interest at 6l. per cent. shares not paid in 3 months; company may sell.

IV. And be it further enacted by the authority aforesaid, That the said sum of twelve hundred thousand pounds agreed to be advanced and paid, as aforesaid, shall be, and be called, deemed, and taken to be a further addition to the capital stock of the said English company, and shall be, and is hereby exempted from any taxes, rates, impositions, or assessments whatsoever.

The said 1,200,000l. to be a further addition to the capital stock, and tax free.

V. And be it further enacted by the authority aforesaid, That the united stock and fund of the said English company, and their successors, by whatsoever name or names they shall be called or known, shall be and are by this present act made subject and liable to the payment and satisfaction of all such debts as are or shall be contracted by the same company, for or upon account of the said united stock or trade.

The united stock liable to all debts contracted, &c.

VI. And whereas by the said former acts and charters it was provided, That at any time, upon three years notice, after the nine and twentieth day of September, one thousand seven hundred and eleven, upon repayment of the said two millions, and all arrears of the said annuities or yearly payments, the said duties upon salt, and rock salt, and the said duties upon stamp vellum, parchment, and paper, and the said yearly fund charged thereupon, and the said annuities issuing

For encouraging the English company to carry on their trade.

out

out of the same, and the duty of five pounds in the hundred on imported goods therein expressed, and all the corporations to be erected by or in pursuance of that act, and the benefit of trade thereby given or intended to be given to them or any of them, shall absolutely cease and determine: now, to the intent that the said English company, and their successors, may be encouraged to proceed in their trade, and may have time to settle factories, and perform such other matters and things as are necessary for carrying on the said trade to their best advantage and profit, it is hereby declared and enacted by the authority aforesaid, That the last-mentioned proviso for redemption and determination of the said several duties, yearly fund, annuities, corporations, and benefit of trade, shall be, and is hereby repealed and made void; and that the said duties upon salt and rock salt, and the said duties upon stamp vellum, parchment, and paper, and the said duty of five pounds in the hundred upon imported goods, shall continue, and the said English company trading to the East Indies, and their successors, by whatsoever name or names they shall be called or known, shall have and enjoy the said yearly sum of one hundred fifty nine thousand four hundred twenty four pounds *per annum*, and all the benefit of trade, franchises, privileges, profits, and advantages whatsoever, in respect thereof given or granted, or intended to be given or granted unto them by the said act of the ninth year of his said late Majesty's reign, or by the said charter of the fifth day of September, in the tenth year of his said late Majesty's reign, or by the said indenture tripartite of the two and twentieth day of July, one thousand seven hundred and two, and every or any of them, freed and discharged of and from the said former proviso, or condition of redemption, and all other provisoes, powers, acts, matters, or things heretofore had, made, done, or committed, for redeeming, determining, or making void the said duties, yearly fund, benefit of trade, franchises, privileges, profits, and advantages, or any of them; subject nevertheless to the restrictions, covenants, and agreements in the said act first recited, and the said recited charters and indenture tripartite, or any of them contained, now in force, and also subject to the general provisoes or condition of redemption hereafter in this act contained.

VII. *And whereas several persons who did subscribe, or do derive under persons who did subscribe several sums, amounting in the whole to seven thousand two hundred pounds, part of the said two millions, are in respect thereof, entitled to five hundred seventy six pounds per annum, part of the said sum of one hundred and sixty thousand pounds per annum, and so a proportional part of the trade to the East Indies, and other the parts aforesaid, have not united their stock and fund to the stock and fund of the said corporations impowered to trade by a joint stock, as aforesaid, but do by themselves, or others by them licensed, carry on their trade for their own separate use and accounts:* it is hereby provided and enacted by the authority aforesaid,

That the several persons entitled to the said stock, amounting to seven thousand two hundred pounds, their executors, administrators,

Former proviso for redemption repealed.
See 3 Geo. 2. c. 14. §. 11.

9 & 10 W. 3. c. 44.

Subject nevertheless, &c.

Separate stock confirmed.

nistrators,

histrators, and assigns, shall and may peaceably and quietly have, hold, and enjoy their said proportion of the said yearly fund and trade, as fully and effectually as they might have done if this act had never been made; nevertheless it shall and may be lawful to and for the said *English* company, and their successors, at any time after the nine and twentieth day of *September*, one thousand seven hundred and eleven, by writing to be signed by their secretary, and to be affixed upon the *Royal Exchange* in *London*, to give notice of their intention to repay the said sum of seven thousand two hundred pounds to the persons who shall be interested therein, or entitled thereunto, at the end of three years after such notice given; and in case the said *English* company, at the end of the said three years, do fully pay and satisfy to such persons the said sum of seven thousand two hundred pounds at the *Guild-hall* of *London*, together with all arrears (if any) of the said yearly sum of five hundred seventy six pounds, which shall be then due to the said persons respectively, then, and upon such payment made, or lawful tender thereof, the said stock of seven thousand two hundred pounds, and the proportional trade and fund belonging thereunto, shall be, and are by virtue of this act, vested and settled in the said *English* company, and their successors; subject nevertheless to the general proviso or condition of redemption hereafter in this act contained, and to no other proviso or condition of redemption whatsoever; any thing in this act contained, or any other matter or thing to the contrary notwithstanding.

But after 29 September, 1711, upon three years, notice and repayment, &c.

The said separate stock, shall be vested in the *English* company.

VIII. Provided always, and it is hereby further enacted by the authority aforesaid, That the before-mentioned duty of five pounds *per centum*, for or in respect only of such goods and merchandizes as shall be imported into *Great Britain* by the said *English* company trading to the *East Indies*, from and after the nine and twentieth day of *September*, one thousand seven hundred and fourteen, shall cease, determine, and be no longer collected or paid; any thing in this, or in the said first recited act, to the contrary in any wise notwithstanding.

Duty of 51. per cent. after 29 Sep. 1714. to cease.

IX. Provided always, and it is hereby declared and enacted by the authority aforesaid, That at any time upon three years notice, after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and twenty six, upon the expiration of the said three years, and upon repayment by parliament, as well of the said sum of two millions formerly advanced, as of the said sum of twelve hundred thousand pounds to be advanced, as aforesaid, making in the whole three millions and two hundred thousand pounds, unto such companies, corporations, or persons as shall be then entitled thereunto, and of all arrears which at the end of the said three years shall be due for or upon the said yearly fund of one hundred and sixty thousand pounds *per annum*, then, and from thenceforth, as well the said duties upon salt and rock salt, as the said duties upon stamp vellum, parchment, and paper, and also the said yearly fund of one hundred and sixty thousand pounds, and all the

9 & 10 W. 3. c. 44.

After 25 March, 1726. upon 3 years notice, and repayment, &c. corporation to cease.

Repealed by 10 Ann. c. 28. 3 Geo. 2. c. 14 §. 12.

the corporations erected by or in pursuance of this or the said former acts, and the benefit of trade by this and the said former acts and charters, or any of them, given, or intended to be given to them or any of them, shall absolutely cease and determine; any thing herein contained to the contrary notwithstanding.

Not to repeal
11 & 12 W. 3.
c. 10.

X. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing herein contained, shall not be deemed, taken, or construed to repeal or alter an act made in the eleventh and twelfth years of the reign of the late King *William* the Third, of glorious memory, intituled, *An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom*, or any clause, matter, or thing therein contained; but that the said act, and every clause, matter, or thing therein contained, shall stand, remain, and be in full effect and force, to all intents and purposes whatsoever, as if this act had never been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

From 25
March; 1708.
custom-house
may take
companies
seal'd bonds
for goods im-
ported.

XI. Provided also, and it is hereby further enacted and declared by the authority aforesaid, That from and after the five and twentieth day of *March*, one thousand seven hundred and eight, upon any importation of any goods or merchandizes by the said *English* company trading to the *East Indies*, it shall and may be lawful for the commissioners and officers of the customs for the time being, and they are hereby required from time to time to take one or more bond or bonds, under the common seal of the said *English* company, for all such of the customs and duties chargeable and to be charged on the goods and merchandizes so to be imported, as are bondable, or for which bonds have usually been given; any law, statute, or provision to the contrary thereof in any wise notwithstanding.

In order to a
compleat
union,

XII. *And whereas the governor and company of merchants of London trading into the East Indies, and the rest of the members of the English company trading to the East Indies, are desirous that a speedy and compleat union may be had and perfected, pursuant to the before-mentioned indenture tripartite, and have agreed to refer all matters in difference concerning the same, and the compleating the said union, unto the final determination of the right honourable Sidney earl of Godolphin, lord high treasurer of Great Britain; be it therefore enacted by the authority aforesaid, That the said matters in difference between the said governor and company of merchants of London trading into the East Indies, and the rest of the members of the said English company, and the settling the terms of, and perfecting and compleating the said union, shall be, and is hereby referred to the judgment, award, and final determination of the said Sidney earl of Godolphin, to proceed upon and settle the terms and conditions of the same, as his lordship shall think fit, so as the whole be made, settled, perfected, and compleated on or before the twenty ninth day of September, in the year one thousand seven hundred and eight, by writing attested under his lordship's hand and seal; which said award being so made and settled within the time aforesaid, shall in all parts thereof be*
binding

all differences
referred to
the earl of
Godolphin.

His award to
be binding.

binding and conclusive, as well to the said governor and company of merchants of *London* trading into the *East Indies*, as to the rest of the said members of the said *English* company, and shall be by them complied with, and submitted to accordingly.

XIII. Provided always, and it is hereby further enacted by the authority aforesaid, That from and after the making of the said award, and surrender of the charter of the said governor and company of merchants of *London* trading into the *East Indies*, in pursuance to the said indenture tripartite, then the persons who, at the time of such surrender, shall in pursuance of the same indenture be the managers for the united trade of the *English* company trading to the *East Indies*, and none others, shall be the directors of the said *English* company, (which company shall then be called, *The united company of merchants of England trading to the East Indies*) until such time as new directors shall be chosen for the same, in pursuance of the said charter, bearing date the fifth day of *September*, in the tenth year of his said late Majesty's reign.

XIV. And be it further enacted by the authority aforesaid, Acts, &c. to That this present act, and the acts herein before recited, and all parts thereof, shall be construed, adjudged, and taken to be publick acts to all intents and purposes whatsoever.

C A P. XVIII.

An act for the more effectual discovery of the death of persons pretended to be alive, to the prejudice of those who claim estates after their deaths.

WHEREAS divers persons, as guardians and trustees for infants; and husbands in right of their wives, and other persons having estates or interests determinable upon a life or lives, have continued to receive their rents and profits of such lands after the determination of their said particular estates or interests: and whereas the proof of the death of the persons, on whose lives such particular estates or interests depended, is very difficult, and several persons have been, and may be thereby defrauded: for remedy whereof, and for preventing such fraudulent practices, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That any person or persons who hath or shall have any claim or demand in or to any remainder, reversion, or expectancy, in or to any estate after the death of any person within age, married woman, or any other person whatsoever, upon affidavit made in the high court of *Chancery*, by the persons so claiming such estate, of his or her title, and that he or she hath cause to believe that such minor, married woman, or other person is dead, and that his or her death is concealed by such guardian, trustee, husband, or any other person, shall and may once a year, if the person aggrieved shall think fit, move the lord chancellor, keeper, or commissioners for the custody of the great seal of *Great Britain* for the time being, to order, and they are hereby authorized

After such award, &c. managers for the united trade shall be directors, &c. till new ones be chosen.

Car. 2. c. 64

Person claiming estate in remainder, &c. after death of minor, married woman, &c. on affidavit, &c. that he hath cause to believe such minor, &c. is dead, lord chancellor to cause such minor, &c. to be produced, &c.

Guardian, &c.
refusing to
produce such
infant, &c.

rized and required to order such guardian, trustee, husband, or other person, concealing or suspected to conceal such person, at such time and place as the said court shall direct, on personal or other due service of such order, to produce and shew to such person and persons, (not exceeding two) as shall in such order be named by the party or parties prosecuting such order, such minor, married woman, or other persons aforesaid; and if such guardian, trustee, husband, or such other person, as aforesaid, shall refuse or neglect to produce or shew such infant, married woman, or such other person, on whose life any such estate doth depend, according to the directions of the said order, That then the court of *Chancery* is hereby authorized and required to order such guardian, trustee, husband, or other person, to produce such minor, married woman, or other person concealed, in the said court of *Chancery*, or otherwise before commissioners to be appointed by the said court, at such time and place as the court shall direct, two of which commissioners shall be nominated by the party or parties prosecuting such order, at his, her, or their costs and charges; and in case such guardian, trustee, husband, or other person, shall refuse or neglect to produce such infant, married woman, or other person so concealed, in the court of *Chancery*, or before such commissioners, whereof return shall be made by such commissioners, and that return filed in the petty bag office, in either or any of the said cases, the said minor, married woman, or such other person so concealed, shall be taken to be dead, and it shall be lawful for any person claiming any right, title, or interest in remainder or reversion, or otherwise after the death of such infant, married woman, or such other persons so concealed, as aforesaid, to enter upon such lands, tenements, and hereditaments, as if such infant, married woman, or other person so concealed, were actually dead.

Party so concealed to be taken to be dead, and claimant may enter on land, &c.

On affidavit, that minor, &c. is beyond sea, claimant may send over persons to view such minor, &c.

II. And be it further enacted by the authority aforesaid, That if it shall appear to the said court by affidavit, that such minor, married woman, or other person, for whose life such estate is holden, is, or lately was at some certain place beyond the seas in the said affidavit to be mentioned, it shall and may be lawful for the party or parties prosecuting such order, as aforesaid, at his, her, or their costs and charges, to send over one or both the said persons appointed by the said order, to view such minor, married woman, or other person, for whose life any such estate is holden; and in case such guardian, trustee, husband, or other person concealing or suspected to conceal such persons, as aforesaid, shall refuse or neglect to produce or procure to be produced to such person or persons, a personal view of such infant, married woman, or other person, for whose life any such estate is holden, That then and in such case such person or persons are hereby required to make a true return of such refusal or neglect to the court of *Chancery*, which return shall be filed in the petty bag office, and thereupon such minor, married woman, or other person, for whose life any such estate is holden, shall be taken to be dead; and it shall be lawful for any person claiming any right,

right, title, or interest, in remainder, reversion, or otherwise after the death of such infant, married woman, or other person, for whose life any such estate is holden, to enter upon such lands, tenements, and hereditaments, as if such infant, married woman, or other person, for whose life any such estate is holden, were actually dead.

III. Provided always, That if it shall afterwards appear upon proof, in any action to be brought, that such infant, married woman, or other person for whose life any such estate is holden, were alive at the time of such order made, That then it shall be lawful for such infant, married woman, guardian, or trustee, or other person having any estate or interest, determinable upon such life, to re-enter upon the said lands, tenements, or hereditaments, and for such infant, married woman, or other person, having any estate or interest determinable upon such life, their executors, administrators or assigns, to maintain an action against those who, since the said order, received the profits of such lands, tenements, or hereditaments, or their executors or administrators, and therein to recover full damages for the profits of the same received, from the time that such infant, married woman, or other person, having any estate or interest determinable upon such life, were ousted of the possession of such lands, tenements, or hereditaments.

IV. Provided always, That if any such guardian, trustee, husband, or other person or persons, holding or having any estate or interest determinable upon the life or lives of any other person or persons, shall by affidavit or otherwise, to the satisfaction of the said court of *Chancery*, make appear, That he, she, or they have used his, her, or their utmost endeavours to procure such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth depend, to appear in the said court of *Chancery*, or elsewhere, according to the order of the said court in that behalf made, and that he, she, or they cannot procure or compel such infant, married woman or other person or persons so to appear, and that such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth depend, is, are, or were living at the time of such return made and filed, as aforesaid, then it shall be lawful for such person or persons to continue in the possession of such estate, and receive the rents and profits thereof for and during the infancy of such infant, and the life or lives of such married woman; or other person or persons, on whose life or lives such estate or interest doth or shall depend, as fully as he, she, or they might have done if this act had not been made.

V. And be it further enacted by the authority aforesaid, That every person who, as guardian or trustee for any infant, and every husband seized in right of his wife only, and every other person having any estate determinable upon any life or lives, who after the determination of such particular estates or interests, without the express consent of him, her, or them, who

If infant, &c. alive, after order made, such infant, &c. may re-enter.

If guardian, &c. prove that he hath used his endeavours to procure such infant to appear, and that he was then living, &c.

Guardian to continue in possession, &c.

Guardian, &c. holding estates after determination of life of minor, adjudged trespassers.

are

rized and required to order such guardian, trustee, husband, or other person, concealing or suspected to conceal such person, at such time and place as the said court shall direct, on personal or other due service of such order, to produce and shew to such person and persons, (not exceeding two) as shall in such order be named by the party or parties prosecuting such order, such minor, married woman, or other persons aforesaid; and if such guardian, trustee, husband, or such other person, as aforesaid, shall refuse or neglect to produce or shew such infant, married woman, or such other person, on whose life any such estate doth depend, according to the directions of the said order, That then the court of *Chancery* is hereby authorized and required to order such guardian, trustee, husband, or other person, to produce such minor, married woman, or other person concealed, in the said court of *Chancery*, or otherwise before commissioners to be appointed by the said court, at such time and place as the court shall direct, two of which commissioners shall be nominated by the party or parties prosecuting such order, at his, her, or their costs and charges; and in case such guardian, trustee, husband, or other person, shall refuse or neglect to produce such infant, married woman, or other person so concealed, in the court of *Chancery*, or before such commissioners, whereof return shall be made by such commissioners, and that return filed in the petty bag office, in either or any of the said cases, the said minor, married woman, or such other person so concealed, shall be taken to be dead, and it shall be lawful for any person claiming any right, title, or interest in remainder or reversion, or otherwise after the death of such infant, married woman, or such other persons so concealed, as aforesaid, to enter upon such lands, tenements, and hereditaments, as if such infant, married woman, or other person so concealed, were actually dead.

II. And be it further enacted by the authority aforesaid, That if it shall appear to the said court by affidavit, that such minor, married woman, or other person, for whose life such estate is holden, is, or lately was at some certain place beyond the seas in the said affidavit to be mentioned, it shall and may be lawful for the party or parties prosecuting such order, as aforesaid, at his, her, or their costs and charges, to send over one or both the said persons appointed by the said order, to view such minor, married woman, or other person, for whose life any such estate is holden; and in case such guardian, trustee, husband, or other person concealing or suspected to conceal such persons, as aforesaid, shall refuse or neglect to produce or procure to be produced to such person or persons, a personal view of such infant, married woman, or other person, for whose life any such estate is holden, That then and in such case such person or persons are hereby required to make a true return of such refusal or neglect to the court of *Chancery*, which return shall be filed in the petty bag office, and thereupon such minor, married woman, or other person, for whose life any such estate is holden, shall be taken to be dead; and it shall be lawful for any person claiming any right,

Guardian, &c.
refusing to
produce such
infant, &c.

Party so con-
cealed to be
taken to be
dead, and
claimant may
enter on land,
&c.

On affidavit,
that minor,
&c. is beyond
sea, claimant
may send over
persons to
view such
minor, &c.

right, title, or interest, in remainder, reversion, or otherwise after the death of such infant, married woman, or other person, for whose life any such estate is holden, to enter upon such lands, tenements, and hereditaments, as if such infant, married woman, or other person, for whose life any such estate is holden, were actually dead.

III. Provided always, That if it shall afterwards appear upon proof, in any action to be brought, that such infant, married woman, or other person for whose life any such estate is holden, were alive at the time of such order made, That then it shall be lawful for such infant, married woman, guardian, or trustee, or other person having any estate or interest, determinable upon such life, to re-enter upon the said lands, tenements, or hereditaments, and for such infant, married woman, or other person, having any estate or interest determinable upon such life, their executors, administrators or assigns, to maintain an action against those who, since the said order, received the profits of such lands, tenements, or hereditaments, or their executors or administrators, and therein to recover full damages for the profits of the same received, from the time that such infant, married woman, or other person, having any estate or interest determinable upon such life, were ousted of the possession of such lands, tenements, or hereditaments.

If infant, &c. alive, after order made, such infant, &c. may re-enter.

IV. Provided always, That if any such guardian, trustee, husband, or other person or persons, holding or having any estate or interest determinable upon the life or lives of any other person or persons, shall by affidavit or otherwise, to the satisfaction of the said court of *Chancery*, make appear, That he, she, or they have used his, her, or their utmost endeavours to procure such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth depend, to appear in the said court of *Chancery*, or elsewhere, according to the order of the said court in that behalf made, and that he, she, or they cannot procure or compel such infant, married woman or other person or persons so to appear, and that such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth depend, is, are, or were living at the time of such return made and filed, as aforesaid, then it shall be lawful for such person or persons to continue in the possession of such estate, and receive the rents and profits thereof for and during the infancy of such infant, and the life or lives of such married woman; or other person or persons, on whose life or lives such estate or interest doth or shall depend, as fully as he, she, or they might have done if this act had not been made.

If guardian, &c. prove that he hath used his endeavours to procure such infant to appear, and that he was then living, &c.

Guardian to continue in possession, &c.

V. And be it further enacted by the authority aforesaid, That every person who, as guardian or trustee for any infant, and every husband seized in right of his wife only, and every other person having any estate determinable upon any life or lives, who after the determination of such particular estates or interests, without the express consent of him, her, or them, who

Guardian, &c. holding estates after determination of life of minor, adjudged trespassers.

are

are or shall be next and immediately entitled upon and after the determination of such particular estates or interests, shall hold over and continue in possession of any manors, messuages, lands, tenements, or hereditaments, shall be and are hereby adjudged to be trespassers; and that every person and persons, his, her, and their executors and administrators, who are or shall be entitled to any such manors, messuages, lands, tenements, and hereditaments, upon or after the determination of such particular estates or interests, shall and may recover in damages against every such person or persons so holding over, as aforesaid, and against his, her, or their executors, or administrators, the full value of the profits received during such wrongful possession, as aforesaid.

Heirs, &c.
may recover
damages.

CAP. XIX.

An act for continuing the half subsidies therein mentioned, with several impositions and other duties, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for charging of prize goods and seizures, and for taking off the drawbacks of foreign cordage, and to obviate the clandestine importation of wrought silks.

MOST gracious Sovereign, We your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, duly considering the necessity of making an ample and complete provision to enable your Majesty to carry on the present war, and to defray your other necessary expences, have for that end and purpose cheerfully and unanimously given and granted, and do by this act give and grant to your Majesty, the several and respective subsidies, impositions, and duties herein after particularly described, for and during the terms herein after expressed, that is to say, Whereas several subsidies of tonnage and poundage, and other duties and sums of money upon wines, goods, and other merchandizes, were given and granted unto his late majesty King Charles the Second, of blessed memory, for his life, by an act of parliament (made in the twelfth year of his reign, intituled, A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported) and by the book of rates thereunto annexed, which subsidies of tonnage and poundage, and other duties and sums of monies upon wines, goods, and merchandizes, as well exported as imported, (with some alterations) were by several subsequent acts of parliament granted to continue until the first day of August, one thousand seven hundred and ten; and by an act of parliament made in the fifth year of your Majesty's reign, intituled, An act for continuing several subsidies, impositions, and duties, and for making provisions therein mentioned, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for ascertaining the wine measure, the said subsidies of tonnage and poundage, and other duties and sums of money last-mentioned, were enacted to continue and be payable to your Majesty,

12 Car. 2. c. 4.

5 Annæ, c. 27.

Majesty, for and upon all wines, goods and merchandizes, which should be imported at any time or times between the last day of July, one thousand seven hundred and ten, and the first day of August, one thousand seven hundred and twelve: now we your Majesty's said dutiful and loyal subjects, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords (spiritual and temporal, and commons, in this present parliament assembled; and by the authority of the same, That over and above all other subsidies, additional duties, impositions, and payments whatsoever, by any former or other act or acts of parliament or otherwise howsoever already due or payable, or which ought to be paid to her Majesty, for or upon any wines, goods, or merchandizes whatsoever, imported or to be imported, there shall be raised, levied, collected, paid, and satisfied unto her Majesty, her heirs and successors, for and upon all wines, goods, and merchandizes, which at any time or times from and after the last day of July, one thousand seven hundred and twelve, and before the first day of August, one thousand seven hundred and fourteen, shall be imported or brought into Great Britain, one moiety or half part of such and the like several and respective subsidies, duties, and sums of money, as by the said act of the fifth year of her Majesty's reign are charged or payable within or during the term thereby granted or limited, for or upon the like imported wines, goods, and merchandizes respectively, except such goods and other merchandizes as by the said act of the fifth year of her Majesty's reign, or by any law now in force are exempted from the payment of the subsidies or duties which were first granted in the twelfth year of the reign of King Charles the Second, as a-

Half subsidies continued from 31 July, 1712. to 2 Aug. 1714. Made perpetual by 7 Ann. c. 7. s. 29.

Except goods exempted by former acts.

12 Car. 2. c. 4.

II. And it is hereby enacted, That in all cases where by the said act of the fifth year of her Majesty's reign, or by any act relating thereunto, any drawbacks or abatements are to be made of the whole or any part of the duties thereby imposed on any wines, goods, or merchandizes whatsoever, there shall be in the like cases proportionable drawbacks and abatements made of the whole or part of the duties by this act imposed upon the same wines, goods, and merchandizes respectively; and that the several subsidies and duties by this act granted, during the continuance thereof, shall be raised, collected, levied, secured, and paid, within and throughout the kingdom of Great Britain, by the same ways, means, and methods, and under such penalties and forfeitures, and with such allowances, and subject to such rules and directions, as in and by the said act of the fifth year of her Majesty's reign, or by any other act or acts therein referred unto, are prescribed or appointed for the raising, collecting, levying, securing, and paying the said subsidies and duties granted by the said act of the fifth year of her Majesty's reign, during the continuance thereof; and that every article, rule,

5 Annæ, c. 27. The same drawbacks to be allowed.

Former powers revived.

and clause contained in the said act of the fifth year of her Majesty's reign, or in any act or acts of parliament therein mentioned, or thereby referred unto, for raising, collecting, levying, securing, and paying, the said subsidies and duties thereby granted, during the continuance thereof, are and shall be, by force of this act, revived, and shall be used, exercised, and put in practice for the raising, levying, collecting, and answering the subsidies and duties granted or imposed by this present act, during the continuance thereof, and all arrearages of the same, from time to time, as fully and effectually as if the same articles, rules, and clauses, and every of them, were again particularly and at large recited and re-enacted in the body of this present act, except only as to such of the said articles, rules, and clauses touching which other provisions, alterations, or exemptions are made by any act or acts of parliament now in being, which other provisions, alterations, or exemptions shall be observed with respect to the duties hereby granted, during the continuance of this act, in the same manner as they are to be observed with respect to the said subsidies formerly granted, as aforesaid.

Duties on
wines and
vinegar con-
tinued from
31 July, 1712,
to 1 August,
1714.
1 Jac. 2. c. 3.

III. And be it further enacted by the authority aforesaid, That the several impositions and duties upon wines and vinegar, granted by an act made in the first year of the reign of his late majesty King James the Second, (intituled, *An act for granting to his Majesty an imposition upon all wines and vinegar imported between the twenty fourth day of June, one thousand six hundred eighty five, and the twenty fourth day of June, one thousand six hundred ninety three*) which said act, by several subsequent acts of parliament since made; was continued, and is to continue until the first day of August, one thousand seven hundred and twelve; shall, by virtue of this act, be further continued to her Majesty, her heirs and successors, from the last day of July, one thousand seven hundred and twelve, to the first day of August, one thousand seven hundred and fourteen, and no longer; and that the said act so made in the first year of the reign of the said late King James the Second, and all powers, provisions, penalties, articles, and clauses therein contained, for or concerning the said impositions on wines and vinegar, shall continue and be in full force and effect until the said first day of August, one thousand seven hundred and fourteen, and shall be applied, practised, and executed for raising, levying, collecting, answering, and paying the said duties upon wine and vinegar, hereby continued, and all arrears thereof, according to the tenor and intent of this present act, as fully, to all intents and purposes, as if all and every the clauses, matters, and things in the said act of the first year of the reign of the said King James the Second contained, had been again in this act repeated, and particularly enacted.

Duties on to-
bacco conti-
nued to 1 Aug.
1714.
1 Jac. 2. c. 4.

IV. And be it further enacted by the authority aforesaid, That the rates, duties, and impositions upon all sorts of tobacco, granted by an act made in the first year of the reign of the said late King James the Second, intituled, *An act for granting to his Majesty an imposition upon all tobacco and sugar imported between*
the

the twenty fourth day of June, one thousand six hundred eighty five, and the twenty fourth day of June, one thousand six hundred ninety three: which said act, as for and concerning the said duties and impositions upon tobacco only, by several subsequent acts of parliament since made, was continued, and is to continue until the first day of August, one thousand seven hundred and twelve; shall by virtue of this act be further continued and paid to her Majesty, her heirs and successors, from the last day of July, one thousand seven hundred and twelve, to the first day of August, one thousand seven hundred and fourteen, and no longer.

V. Provided always, and be it enacted and declared by the authority aforesaid, That the said duty upon tobacco, which shall be imported during the times by this act limited, and all arrears thereof, shall be secured, collected, raised, levied, answered, and paid to her Majesty, in such method, and with such discount and allowances, and according to such rules and directions as are mentioned, referred to, or prescribed as to the duties or impositions upon tobacco, in and by the act made in the parliament holden in the seventh year of the reign of King *William the Third*, of glorious memory, intituled, *An act for continuing several duties granted by former acts upon wine, vinegar, and upon tobacco, and East India goods, and other merchandizes imported, for carrying on the war against France, and not otherwise.*

VI. And be it further enacted by the authority aforesaid, That the several additional and other rates, impositions, duties, and charges upon the several sorts of goods and merchandizes, granted by an act made in the second year of the reign of King *William the Third*, and *Queen Mary*, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandizes, to be imported after the five and twentieth day of May, one thousand six hundred and ninety*, and which thereby, and by several subsequent acts of parliament already made, have continuance until the first day of *August*, one thousand seven hundred and twelve, shall be further continued to her Majesty, her heirs and successors, from the last day of *July*, one thousand seven hundred and twelve, to the first day of *August*, one thousand seven hundred and fourteen, and no longer; and that the said act made in the second year of their said late Majesties reign, concerning *East India* goods and other things therein charged, and all powers, provisions, penalties, articles, and clauses therein contained, shall continue, and be of full force and effect, until the said first day of *August*, one thousand seven hundred and fourteen, and shall be applied, practised, and executed for the raising, levying, collecting, answering, and paying the said respective duties hereby continued, and all arrears thereof, according to the tenor and intent of this present act, as fully, and to all intents and purposes, as if the said last-mentioned act, and all and every the clauses, matters, and things therein contained, had been again repeated, and particularly enacted; except only as to such part of the said acts

And to be levied, &c. as by 7 & 8 W. 3. c. 10.

Old impost continued to 1 Aug. 1714. 2 W. & M. Sess. 2. c. 4.

All powers, provisions, &c. in 2 W. & M. Sess. 2. c. 4. and 7 & 8 W. 3. c. 10. to be observed.

Exception.

7 & 8 W. 3.
c. 10.

concerning the said impositions on wines, vinegar, tobacco, *East India* goods, and other merchandizes imported, touching which other provisions or alterations are made by any act or acts of parliament now in being; which other provisions or alterations are to be observed, and to continue during the continuance of this present act, and the said act, intituled, *An act for continuing several duties granted by former acts upon wine and vinegar, and upon tobacco, and East India goods and other merchandizes imported, for carrying on the war against France*; and every article, clause, matter, and thing therein contained, for the raising, levying, securing, answering, and paying the impositions and duties on the merchandizes and commodities thereby charged, and which are by this act continued, shall be of full force and effect until the said first day of *August*, one thousand seven hundred and fourteen.

Additional
impost continued to 1 Aug.
1714. 4 & 5.
W. & M. c. 5.

VII. And be it further enacted by the authority aforesaid, That the additional and other rates, duties, impositions, and charges upon the several sorts of goods and merchandizes granted by an act of parliament made in the fourth year of their said late Majesties reign, intituled, *An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for prosecuting the present war against France*, which by several subsequent acts of parliament already made, have continuance until the said first day of *August*, one thousand seven hundred and twelve, shall by virtue of this act be further continued, and be paid and payable to her Majesty, her heirs and successors, from the last day of *July*, one thousand seven hundred and twelve, to the first day of *August*, one thousand seven hundred and fourteen, and no longer; and that the said act last-mentioned, and all powers, provisions, penalties, articles, and clauses therein contained, (except as herein after is excepted and provided) as for and concerning the said rates, duties, and impositions, shall continue and be of full force and effect until the said first day of *August*, one thousand seven hundred and fourteen, and shall be applied, practised, and executed for the raising, levying, collecting, answering, and paying the said duties hereby continued, and all arrears thereof, according to the tenor and intent of this present act, as if the said last-mentioned act, and all and every the clauses, matters and things therein contained, had been again repeated, and particularly enacted in this present act.

New provisions or alterations made to be observed.

VIII. Provided also, That in all cases where any other provision or alteration is made by any act or acts of parliament now in being, in or about any other matter or thing contained in the said act of parliament for the impositions last-mentioned, such other provisions or alterations shall be observed, during the continuance of the term hereby granted; any thing herein contained to the contrary notwithstanding.

Duties on
whale fins
continued to
1 Aug. 1714.

IX. And it is hereby further enacted, That the several impositions and duties for and upon all whale-fins imported, which by an act of parliament in the ninth year of the reign of his
said

said late majesty King William the Third, (intituled, *An act for taking away half the duties imposed on glass wares, and the whole duties lately laid on stone and earthen wares, and tobacco pipes, and for granting in lieu thereof new duties on whale-fins and Scotch linen*) were granted to his said late majesty King William, and by subsequent acts already passed, have continuance until the first day of *August*, one thousand seven hundred and twelve, shall be, and are hereby continued to her Majesty, her heirs and successors, from the last day of *July*, one thousand seven hundred and twelve, to the first day of *August*, one thousand seven hundred and fourteen, and no longer; and shall be raised, levied, collected, and paid, in such manner and form, and by such ways and means, and under such penalties as are mentioned in the said act for granting the said impositions on whale-fins and Scotch linen; which act, with all the powers, privoies, penalties, articles, and clauses therein contained, or thereby referred to, shall continue and be in full force until the said first day of *August*, one thousand seven hundred and fourteen, and shall be applied, practised, and put in execution for raising and levying the said duties on whale-fins, hereby continued, and all arrears thereof, as fully and effectually as if all the clauses, matters, and things therein contained, concerning the said duties on whale-fins, were repeated, and again enacted in the body of this present act.

X. *And whereas the said subsidies of tonnage and poundage, and the said other duties granted therewith, in the said twelfth year of King Charles the Second, as aforesaid, as to wines, goods and merchandizes imported; and the said impositions on wines, vinegar, and tobacco, which were first granted to King James the Second, in the first year of his reign; and the said impositions on East India goods, and other goods charged therewith, which were first granted to their late majesties King William and Queen Mary, in the second year of their reign; and the said additional impositions which were first granted to them in the fourth year of their reign; and the said duties on whale-fins imported, which were granted to his said late majesty King William, in the ninth year of his reign, were by the said act of the fifth year of her Majesty's reign, (intituled, *An act for continuing severall subsidies, impositions, and duties, and for making provisions therein mentioned, to raise money by way of loan for the service of the war, and other her Majesty's necessary and important occasions, and for ascertaining the wine measure*) continued, as aforesaid, until the said first day of August, one thousand seven hundred and twelve, in the manner therein mentioned, and are by the said act of the fifth year of her Majesty's reign, made subject and liable to the satisfaction of the principal and interest monies therein mentioned, which are to be paid and discharged in the first place out of the subsidies, impositions, and duties granted or continued by the act last mentioned: now it is hereby further declared and enacted by the authority aforesaid, That from and immediately after the time that all the principal and interest monies, which by the said act of the fifth year of her Majesty's reign*

After the principal, &c. charged by 5 Annæ, shall are be discharged,

the half subsidies, &c. to be appropriated for the uses of this act.

are charged upon the several subsidies, duties, and impositions last-mentioned, shall be fully paid off and satisfied, or that sufficient money shall be reserved in the Exchequer for that purpose, then all the monies which shall from thenceforth arise by one moiety or half part of the said subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported (which were first comprehended in the said act of the Twelfth year of King Charles the Second) and all the monies, which from and after such payment made, or reserving money to discharge all such principal and interest, as aforesaid, shall arise by the said impositions upon wine, vinegar, tobacco, East India goods, and other goods therewith charged, and by the said additional impositions on goods and merchandizes, and by the said duties upon whale-fins, for the remainder of the several terms formerly granted, and therein then to come and unexpired (except the necessary charges of raising, levying, collecting, and accounting for the same) shall from time to time be paid into the receipt of the Exchequer distinctly, for the purposes in this present act expressed, and for no other use, intent, or purpose whatsoever.

22 Car. 2. c. 4.

Necessary charges excepted.

French wines.

XI. *And whereas all wines of the growth and produce of France, or of any dominions under the French King, are by several laws and statutes liable to the payment of several duties upon the importation thereof, and particularly by an act of parliament made in the seventh year of the reign of his said late majesty King William the Third (intituled, An act for granting to his Majesty an additional duty upon all French goods and merchandizes) it was enacted, amongst other things, That for every ton of French wine imported within the time therein mentioned, there should be paid twenty five pounds above the duties before charged thereupon: but by another act made in the eighth year of the same King's reign, (intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage upon merchandizes imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against France) it was provided, That nothing in the said act of the seventh year of his said late Majesty's reign, should charge any merchandize of the growth of France, which should be bona fide, seized or taken, and condemned as prize, with any further or other duties than what they were or ought to have been charged withal before the making of the act last-mentioned; and her Majesty, by her royal declaration bearing date the first day of June, in the first year of her reign, for the encouragement of her ships of war and privateers, was pleased to subject all ships, vessels, and goods, which should be taken and condemned as lawful prizes, to the payment of such customs and duties only as are therein mentioned: and whereas by an act made in the second year of her Majesty's reign, intituled, An act for granting to her Majesty an additional subsidy of tonnage and poundage for three years, and for laying a further duty upon French wines condemned as lawful prize, and for ascertaining the values of unrated goods imported from the East Indies) it was enacted, That for every ton of any wines of the growth*

7 & 8 W. 3. c. 20.

8 & 9 W. 3. c. 24.

7 & 8 Ann. c. 9.

growth or product of France, or of any dominions under the French King, seized or taken, or to be seized or taken by any of her Majesty's ships, or by any privateers, or otherwise, and which at any time or times, during the term of three years, which commenced from the eighth day of March, one thousand seven hundred and three, should be condemned or adjudged as lawful prize, there should be paid to her Majesty the sum of fifteen pounds over and above the duties before that time charged thereupon, without deduction, and so proportionably for a greater or lesser quantity; which duty of fifteen pounds per ton, expired on the eighth day of March, one thousand seven hundred and six: now it is hereby enacted by the authority aforesaid, That for every ton of any wine of the growth or product of France, or of any dominions under the French King, seized or taken, or to be seized or taken by any of her Majesty's ships, or by any privateers, or otherwise, and which at any time or times, from and after the fifteenth day of March, one thousand seven hundred and seven, during the present war, shall be condemned or adjudged as lawful prize, and for every ton of any wines of the growth or product of France, or of any dominions under the French King, which after the said fifteenth day of March, one thousand seven hundred and seven, during the said present war, shall be seized and condemned for unlawful importation, or for being brought into any part of Great Britain by collusion, there shall be paid to the Queen's majesty the sum of five and twenty pounds of lawful money of Great Britain, without deduction, and so proportionably for a greater or lesser quantity.

French prize wine and seizures to pay 2s. per ton, during war.

XII. And it is hereby declared, That (over and above the said duty of five and twenty pounds per ton on prize wines by this act imposed) all ships, vessels, wines, and other goods and merchandizes, which shall be taken from the enemy, and condemned as lawful prize, and all wines, goods, and merchandizes which shall be seized and condemned for unlawful importation, or for being brought in by collusion, as aforesaid, during the present war, shall be subject and liable to such or the like customs and duties to which ships, goods, and merchandizes taken and condemned as prize, were subjected or intended to be subjected by her Majesty's declaration aforesaid; and that all the duties by this act chargeable upon ships, wines, goods, and merchandizes, taken or seized, as aforesaid, shall and may be detained and satisfied out of the neat proceed of such respective prizes and seizures, upon sale of the same; and if any entire prize or seizure shall not be sufficient by its neat produce to answer all the said duties thereupon, then the said neat produce shall be applied proportionably towards discharging the said duties, so far as the said produce shall extend thereunto, and so much as shall arise by this act of or for the said duty of five and twenty pounds per ton, upon wines taken or seized, as aforesaid, shall be applied towards the payment of the principal and interest to be borrowed upon this act; and the rest of the monies arising by the said duties upon such prizes or seizures, as

Ships, &c. taken as prize, &c. liable to such circumstances as by the Queen's declaration.

Duties to be paid out of the neat proceed upon sale.

if produce be not sufficient, then to be applied proportionably, &c.

aforsaid, shall be appointed and applied to this said several uses and purposes whereunto the like duties upon the like goods or merchandizes imported, are applicable by virtue of the several laws relating thereunto.

No drawback allowed for foreign cordage, &c. exported.

XIII. And for encouraging the manufacture of cordage in *Great Britain*, be it further enacted by the authority aforesaid, That foreign cordage, or cable yarn imported, or to be imported into *Great Britain*, upon exportation thereof, at any time or times from or after the five and twentieth day of *March*, one thousand seven hundred and eight, for any parts beyond the seas, shall have no allowance or drawback of any duties paid or secured by this or any other acts, laws, or statutes whatsoever, upon the importation thereof; any thing in this, or any other act or acts of parliament, or any other matter or thing whatsoever to the contrary notwithstanding.

Importers of wrought silks to forfeit 200l. &c.

XIV. And whereas notwithstanding the several laws now in force for preventing of clandestine importation of foreign goods, great quantities of wrought silks mixed with gold and silver, and other silks, have of late been imported, contrary to law, to the great prejudices of the manufacturers of this kingdom: for remedy thereof, be it enacted by the authority aforesaid, That from and after the five and twentieth day of *March*, one thousand seven hundred and eight, all and every such person and persons whatsoever, who shall secretly and clandestinely import, bring, or convey into this kingdom, any wrought silk or silks mixed with gold or silver, or any other materials, and all and every their aiders, abettors, and assistants, shall for every such offence forfeit two hundred pounds, over and above the penalties to which the same are liable by any laws now in force; and the person or persons in whose custody or possession such silks shall be found, or who shall sell or offer the same to sale, knowing thereof, and all and every person or persons who shall conceal such silks, with intent to prevent the forfeiture of the same, shall over and above the loss of the said silks, for every such offence forfeit one hundred pounds; one moiety thereof to the Queen's majesty, her heirs and successors; the other moiety to such person or persons as shall sue for the same, to be recovered by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, privilege, protection, or wager of law shall be allowed, nor any more than one imparlance.

Sellers and concealers forfeit the silk and 100l.

Where silks so forfeited shall be sold.

XV. And be it further enacted, That all such silks so forfeited, as aforesaid, in that part of *Great Britain* called *England*, shall be sold at the *Custom House* at *London*, by inch of candle, to the highest bidder, and such of them as shall be so forfeited, as aforesaid, in that part of *Great Britain* called *Scotland*, shall be sold at the *Custom House* in *Edinburgh*, in like manner, and not otherwise.

Clause of loan for 729,067 l. 15 s. 6 d. 3 q.

XVI. Provided also, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives, or foreigners, bodies politick or corporate, to advance or lend to her Majesty at the receipt of
her

her Majesty's Exchequer, as well upon credit of the several subsidies, impositions, and duties by this act granted or continued, as also upon credit of the monies which by the said act of the fifth year of her Majesty's reign, after satisfaction of the principal and interest thereupon, as aforesaid, shall arise by the subsidies, impositions, and duties thereby granted, any sums which shall not exceed in the whole seven hundred twenty nine thousand sixty seven pounds, fifteen shillings and six pence three farthings, for the service of the war, and other her Majesty's occasions; and moreover the treasurer of the Exchequer for the time being, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and directed to cause the officers of the said receipt of Exchequer to receive from time to time by way of loan, from any person or persons, bodies politick or corporate, willing to make the same at the said receipt, any further sum and sums of money, over and above the said sum of seven hundred twenty nine thousand sixty seven pounds, fifteen shillings and six pence three farthings, as shall be sufficient to make good the payment of all the interest monies appointed or allowed by this act, every three months, until the said subsidies, impositions, and duties arising by this or the said act of the fifth year of her Majesty's reign, or either of them first happening, shall come into the Exchequer, and be sufficient for that purpose, pursuant to the intent and meaning of this act; and that all the lenders, as well of the said sum not exceeding seven hundred twenty nine thousand sixty seven pounds, fifteen shillings, and six pence three farthings, as of the said further sums for making good the payment of the intermediate interest as aforesaid, shall have and receive interest for the forbearance thereof, after the rate of six pounds *per centum per annum*; and that no money to be lent upon the security of this act, shall be taxed, rated or assessed by any act of parliament whatsoever.

5 Annæ, c. 17.

and for a further sum for making good the intermediate interest,

at 6l. per cent. tax-free.

XVII. And it is hereby further enacted, That all and every person or persons who shall lend any money upon such credits as aforesaid, and pay the same into the said receipt of Exchequer, shall immediately have a talley of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tallies, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof at the rate aforesaid, and to be paid every three months until the re-payment of the principal; and that all such orders for re-payment of money to be lent, shall be registred in course, according to the dates respectively, without other preference of one before another; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register book, so as the said person, native or foreigner, his her or their executors, administrators, successors or assigns, who shall have his her or their order or orders first entred in the said respective books of register, shall be taken and accounted the first person to be paid out of the monies to come in by this act; and he, she, or they who shall have his her or their

Lenders to have tallies and orders struck, &c.

Payable every 3 months;

Orders to be registred, and paid in course, &c.

their order or orders next entred, shall be taken and accounted to be the second person to be paid; and so successively, and in course; and that the monies, to come in, of or for the several subsidies, impositions, or duties by this act granted or continued as aforesaid, and also the monies which by the said act of the fifth year of her Majesty's reign (after satisfaction of the principal and interest thereupon as aforesaid) shall arise by the subsidies, impositions, and duties thereby granted, as aforesaid, (except the said duties to arise by prizes and seizures, other than the duty of five and twenty pounds *per* ton before-mentioned) shall be liable in the same order to the satisfaction of the monies to be lent as aforesaid, to the respective parties, their executors, administrators, successors and assigns respectively, without undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken of any her Majesty's subjects, for providing or making of any such books or registers, or any entries, views, or search in or for payment of money lent, or the interest thereof as aforesaid, by any of her Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with treble costs of suit, or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, with damages and costs to the party grieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever incapable of his place and office; and in case the auditor of the receipt shall not direct, or the clerk of the pells record, or the teller make payment, according to each person's due place and order, as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks herein offending to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, suit, or information, in any of her Majesty's courts of record at *Westminster*, wherein no *essoin*, protection, privilege, or wager of law, injunction, or order of restraint shall in any wise be granted or allowed.

XVIII. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference,

without undue preference or fee, &c.

on pain of treble damages, &c.

and to pay the debt, &c.

Clerk liable.

Tallies bearing date the same day, no undue preference.

preference, which of those be entred first, so as he enters them all the same day.

XIX. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them, interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

No penalty to incur, if subsequent orders, be first paid, &c.

XX. And be it further enacted, That all and every person and persons, to whom any money shall be due for loans to be registred by virtue of this act, after order entred in the book of registred as aforesaid, his executors, administrators, or assigns, by proper words of assignment, to be endorsed and written upon his order, may assign or transfer his right, title, interest, and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders, which the officers shall upon request without fee or charge accordingly make, shall entitle such assignee, his executors, administrators, and assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, and discharge the same, or any the monies thereby due, or any part thereof.

Orders assignable.

Assignee may assign again.

XXI. And whereas in and by the said act of the fifth year of her said Majesty's reign, a credit was given for any sums not exceeding eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings, and six pence farthing, to be borrowed at an interest, after the rate of six pounds per centum per annum, upon the several subsidies, impositions, and duties in that act mentioned; and the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, are thereby authorized and directed to cause the officers of the Exchequer to receive from time to time, by way of loan, at the like interest at the said receipt, any further sum or sums of money over and above the said sum of eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings, and six pence farthing, as should be sufficient to make good the payment of all the interest monies appointed or allowed by that act, every three months, until the subsidies, impositions, and duties therein mentioned, should come into the Exchequer, and be sufficient for that purpose, pursuant to the intent and true meaning of that act: now it is hereby provided and enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to the taking away, altering, or lessening the said power and direction of borrowing monies to make good the payment of the said interest every three months; until the said subsidies, impositions,

Clause of loan in 5 Annæ, c. 27. f. 2. not lessened by this act.

and duties in the said recited act mentioned, shall come in and be sufficient for that purpose, as aforesaid, or in any wise to alter or prejudice the security given by the said act of the fifth year of her Majesty's reign, for the repayment or satisfaction of the same, or any other the principal and interest monies which were secured or intended to be secured by that act, that the orders for the same shall be registred in course, and paid in the same manner, as if this act had never been made; this present act, or any thing therein contained, or any other matter or thing whatsoever to the contrary in any wise notwithstanding.

Clause of appropriation.

6 Ann. c. 1.

XXII. And be it enacted by the authority aforesaid, That all the monies lent and to be lent unto her Majesty on one act of this session of parliament, intituled, *An act for granting an aid to her Majesty to be raised by a land tax in Great Britain, for the service of the year one thousand seven hundred and eight*, and so much money (if any such be) of the tax thereby granted, as shall arise and remain (after all the loans made or to be made upon that act, and the interest thereof, and the charges thereby allowable for the raising the said tax, shall be satisfied, or money sufficient shall be reserved to discharge the same:) and all the monies lent

6 Ann. c. 4.

and to be lent unto her Majesty, upon one other act of this session of parliament, intituled, *An act for charging and continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eight*, and so much money of the said duties on malt, mum, cyder, and perry thereby granted, as shall arise and remain after all the loans made or to be made upon that act, or thereby transferred or directed to be transferred thereunto, and the interest thereof, and the charges thereby allowable for raising the said duties thereby granted, shall be satisfied, or monies sufficient shall be reserved to discharge the same: and the sum not exceeding five hundred and forty thousand pounds mentioned and intended to be raised by

6 Ann. c. 5.

another act of this session of parliament, intituled, *An act for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and eight, and other uses, by sale of annuities charged on a fund not exceeding forty thousand pounds per annum, to arise by appropriating several surplusses, and by granting further terms in the duties on low wines, and on hawkers, pedlars, and petty chapmen, the stamp duties, the one third subsidy, the duty on sweets, and one of the branches of excise, and by making other provision in this act mentioned: and the sum not exceeding one million and twenty thousand pounds, mentioned and intended to be raised by another*

6 Ann. c. 11.

act of this session of parliament, intituled, *An act for continuing one half part of the subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King Charles the Second, and for settling a fund thereby and by other ways and means, for payment of annuities not exceeding eighty thousand pounds per annum, to be sold for raising a supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses therein expressed: and the sum of one million*

two hundred thousand pounds, agreed to be advanced by the *English* company trading to the *East Indies*, pursuant to an act of this session of parliament for assuring to the said *English* company trading to the *East Indies* on account of the united stock, a longer time in the fund and trade therein mentioned: and the sum not exceeding seven hundred twenty nine thousand and sixty seven pounds, fifteen shillings and six pence three farthings; intended to be raised on this present act, shall be appropriated; issued, and applied, and the same are hereby appropriated for or towards the several uses and purposes herein after expressed; that is to say, for or towards the defraying the charges of the ordinary of her Majesty's navy, and for victuals, wages, wear, and tear, and other services of the navy, and the victualling thereof performed, and to be performed; and for the sea service in the office of the ordnance, performed and to be performed; and for or towards making of a wharf and storehouse at *Portsmouth*; and for or towards the land services performed, and to be performed, by the office of ordnance; and to and for subsistence, off-reckonings, and clearings for one year, from the three and twentieth day of *December*, one thousand seven hundred and seven, to her Majesty's guards and garrisons in *Great Britain*, and the contingent charges of the same; and for payment of invalids for the said year, beginning from the said three and twentieth day of *December*, one thousand seven hundred and seven; and for or towards the defraying the charges of her Majesty's army and such forces as are or shall be added thereunto, in the *Low Countries* or *Germany*, within or for one year, to be reckoned from the said three and twentieth day of *December*, one thousand seven hundred and seven, and the contingent charges thereunto belonging; and for or towards her Majesty's proportion of the charge of three thousand *Palatines* formerly taken into the service of her Majesty and the *States General*, for the year one thousand seven hundred and eight; and for or towards her Majesty's proportion of the charge of four thousand six hundred thirty nine *Saxons* formerly taken into the service of her Majesty and the *States General*, for the year one thousand seven hundred and eight; and for or towards her Majesty's proportion of the charge of *Bothmar's* regiment of dragoons, consisting of eight hundred men, formerly taken into the service of her Majesty and the *States General*, for the year one thousand seven hundred and eight; and for maintaining her Majesty's established forces to serve in *Spain* and *Portugal*, including the pay of general officers, and the charge of contingencies, and for forage, waggon money and baggage money, and for the charge of the garrison of *Gibraltar*, and for the augmentation of her Majesty's forces, in order to strengthen the army of the duke of *Savoy*, for making good the alliances with the King of *Portugal*, and for the effectual carrying on the war for recovery of the *Spanish* monarchy to the house of *Austria*; and for or towards the payment of her Majesty's proportion of the subsidies due upon treaties made or to be made with her Majesty's allies, and other

6 Ann. c. 17.

Ordinary of
the navy.Wharf at
Portsmouth.Guards and
garrisons.
Invalids.Armies in
Germany and
the Low
Countries.3000 Pala-
tines.

4639 Saxons.

Bothmar's
dragoons.Forces in
Spain and
Portugal.
Garrison of
Gibraltar.Forces in Sa-
voy.Alliances with
Portugal.Proportion of
subsidies to
the allies.

other

Interest on
unsatisfied de-
bentures.
Transports.

Exchequer
bills.
Extraordina-
ry subsidies to
the duke of
Savoy.

To the land-
grave of Hesse
Cassel.

Fortifications,
&c. of Gi-
braltar.

£712,51. 10s.
for the ma-
rines.

other charges for the service of the war, for any time before or until the five and twentieth day of *December*, one thousand seven hundred and eight; and for the payment of a year and a quarter's interest further on the unsatisfied debentures charged upon the *Irish* forfeitures; and for or towards the transportation of land forces performed and to be performed; and for or towards discharging the premiums and other charges for circulating for another year the bills commonly called the Exchequer bills, which were issued before the last session of parliament; and for or towards the paying of an extraordinary subsidy to the duke of *Savoy* for especial service, in prosecuting the war against *France*, in the year one thousand seven hundred and seven; and for or towards the making good of a sum not exceeding twenty two thousand nine hundred fifty seven pounds two shillings, to complete the sum of forty two thousand nine hundred fifty seven pounds two shillings, for an additional subsidy to the landgrave of *Hesse Cassel*, for augmenting his troops, and marching them into *Italy*, and for defraying their expence of bread, waggons and carriages, and of hospitals for their sick and wounded, for the service of the year one thousand seven hundred and seven; and for or towards the making good a sum not exceeding twelve thousand two hundred eighty four pounds nineteen shillings and eight pence half penny, to defray the charge of the fortifications, and other services of the garrison of *Gibraltar*, in the year one thousand seven hundred and six, and to no other uses, intents, or purposes whatsoever; provided always, That out of the monies to be issued to the guards and garrisons, as aforesaid, there shall and may be taken and applied any sum not exceeding eighty seven thousand one hundred twenty five pounds and ten shillings, towards the charge of maintaining the soldiers raised and to be raised for sea service, with their officers, and the contingent charges thereunto belonging; and out of the monies to be issued for the service of the navy and sea service, as aforesaid, there shall be taken and applied such sums, as together with the said sum not exceeding eighty seven thousand one hundred twenty five pounds and ten shillings, shall be necessary for the charge of maintaining the said soldiers for sea service, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithstanding.

CAP. XX.

EXP.

An act for continuing an act made in the third year of her Majesty's reign, intituled, *An act for punishing mutiny and desertion, and false musters, and for the better payment of the army and quarters.*

CAP. XXI.

An act for the avoiding of doubts and questions touching the statutes of divers cathedral and collegiate churches.

I. **W**HEREAS several doubts and questions have arisen, and may hereafter arise, in relation to the validity and force of the statutes of divers cathedral and collegiate churches, founded by King Henry the Eighth, of famous memory, which doubts and questions have
been

been occasioned, partly by a temporary act of parliament made in the first year of the reign of Queen Mary the First, in relation to such statutes made by the said late King Henry the Eighth, and in order to defeat the true and pious ends and designs of the said foundations, and partly by reason of the known loss of many records and evidences during the late rebellion in this kingdom: and whereas the said doubts and disputes may in time not only turn to the great disquiet and prejudice of the said foundations, but may prove a manifest obstruction to the peace, order, good government and discipline of the church, unless some speedy and effectual remedy be provided; be it therefore enacted and declared by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That in all cathedral and collegiate churches, founded by the said King Henry the Eighth, such statutes as have been usually received and practised in the government of the same respectively, since the late happy restoration of King Charles the Second, and to the observance whereof the deans and prebendaries, and other members of the said churches, from the said time have used to be sworn at their installments or admissions, shall be, and shall be taken and adjudged to be good and valid in law, and shall be, and be taken and adjudged to be the statutes of the said churches respectively; nevertheless so far forth only as the same, or any of them, are in no manner repugnant to, or inconsistent with the constitution of the church of England, as the same is now by law established, or the laws of the land.

1 M. 1. sess. 3.

Statutes of cathedral and collegiate churches practised since the restoration of King Charles 2. to be good and valid.

II. Provided always, and be it further enacted by the authority aforesaid, That no person or persons shall at any time hereafter be liable to any prosecution, censure, or punishment whatsoever, for not having observed any of the statutes hereby ratified and confirmed, or for having done any thing contrary to the same, on or before the ninth day of March, one thousand seven hundred and seven; any thing herein contained to the contrary notwithstanding.

No prosecution for non observance of statutes, before 9 March, 1707.

III. Provided always, and be it enacted, That it shall and may be lawful for her Majesty, during her life (which God long preserve) from time to time to alter, amend, correct, revoke, diminish, or enlarge the said statutes, or any of them, and to make new statutes and ordinances for the said cathedral and collegiate churches, and for resuming or settling the local visitation of them, or any of them, in such manner, from time to time, as to her Majesty shall seem meet.

Queen may alter, revoke, or enlarge the statutes, and make new ones, &c.

C A P. XXII.

An act for continuing several duties therein mentioned, upon coffee, chocolate, spices, pictures, and muslins, and additional duties upon several of the said commodities, and certain duties upon callicoes, China wares and drugs; and for continuing the duties called the two third subsidies of tonnage and poundage, for preserving the publick credit; and for ascertaining the duties of coals exported for foreign parts; and for securing the credit of the bank of England; and for passing several accounts of taxes raised in the county of Monmouth; and for promoting the consumption of such tobacco as shall have paid her Majesty's duties.

3 & 4 ANNÆ,
6-4-

I. **M**OST gracious Sovereign, Whereas by an act of parliament made in England in the third year of your Majesty's reign, intituled, An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars, and petty chapmen, and upon muslins, and for granting new duties upon several of the said commodities; and also upon callicoes, China ware, and drugs, several duties therein mentioned upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures imported, were continued from the last day of April, one thousand seven hundred and six, till the twenty fourth day of June, one thousand seven hundred and ten, and a certain duty upon muslins imported, after the rate of fifteen pounds for every one hundred pounds of the true and real value thereof, was continued from the twenty ninth day of September, one thousand seven hundred and six, till the said twenty fourth day of June, one thousand seven hundred and ten; and by the same act for increasing your Majesty's revenues, several new additional rates and sums therein particularly expressed, were laid upon all coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, which should be imported at any time or times after the first day of February, one thousand seven hundred and four, and before the twenty fourth day of June, one thousand seven hundred and ten, and by the same act several further rates and sums therein particularly mentioned, were charged or imposed for and upon all white callicoes, porcelan, commonly called China ware, and drugs (except drugs for dying) imported from and after the first day of February, one thousand seven hundred and four, at any time or times before the said twenty fourth day of June, one thousand seven hundred and ten; the said several duties to be severally ascertained, answered, and paid in the manner therein mentioned; and in the said act there are contained clauses of credit for lending thereupon any sums not exceeding in the whole seven hundred thousand pounds, at an interest not exceeding the rate of six pounds per centum per annum, as by the same may more largely appear: and whereas it is likely that the duties granted by the said act, may and will determine before the loans made thereupon, and all the interest due, or to grow due for the same, will be satisfied: we therefore your Majesty's

most

most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, for preserving the publick credit, have given and granted, and do by this act give and grant unto your Majesty the several rates, duties, and sums of money to be payable for and upon all coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, muslins, white callicoes, porcelan, called *China* ware, and drugs (except drugs for dying) herein after mentioned, for the term and purpose herein after expressed; and do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said duties, which by the said act of the third year of her Majesty's reign were continued upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and upon muslins, and the said increased, or new additional rates and duties which were thereby laid upon all coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and the said further rates and sums which were thereby charged or imposed for and upon all white callicoes, porcelan, commonly called *China* ware, and drugs (except drugs for dying) shall by virtue of this act be continued and be paid and payable to her Majesty, her heirs and successors, for and upon the same commodities and merchandizes respectively, which shall be imported or brought into *Great Britain*, from and after the three and twentieth day of *June*, one thousand seven hundred and ten, at any time or times within, or during the term of four years from thence next and immediately ensuing, the same rates, duties, and sums of money, and every of them respectively (over and above all other duties and impositions whatsoever already charged for or upon the same commodities, or any of them respectively, by any other laws or statutes now in force) to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and subject to such drawbacks, allowances, and repayments, and in such manner and form in all respects as the like rates, duties, and sums of money respectively granted or continued by the said act of the third year of her Majesty's reign are hereby, or by any other act or acts, laws or statutes whereunto the said act hath reference, prescribed, enacted, or appointed, to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, during the continuance thereof respectively.

II. And it is hereby enacted by the authority aforesaid, That all such of the powers, directions, penalties, and forfeitures, clauses, matters, and things provided, settled, or established by the said act of the third year of her Majesty's reign, or by any other act or acts now in force whereunto the same hath relation,

Duties on coffee, &c. continued from 23 June, 1710, for 4 years longer.
3 & 4 Ann. C. 4. and made perpetual by 7 Ann. c. 7. s. 26. but the duties on coffee, tea, and cocoa nuts imported, are repealed by 10 Geo. 1. c. 10. and new ones imposed.

Subject to the same penalties, drawbacks, &c. as by former acts.
See 7 Geo. 1. stat. 1. c. 21. s. 11.

Former powers revived, 3 & 4 Annæ, c. 4.

for the better ascertaining, raising, levying, recovering, answering, or paying the said respective duties thereby granted, or for making any drawbacks, re-payments, or allowances out of any of the said several and respective duties upon exportation, shall be revived, and be continued, and be in force and virtue during the continuance of this act, and further for the recovery of all the arrearages and sums of money which shall become due or payable to her Majesty, her heirs and successors upon this act, in as full and ample manner, to all intents and purposes, as if the said powers, directions, penalties, and forfeitures, clauses, matters, and things, and every of them, were again repeated and re-enacted in the body of this present act.

The said duties, appropriated for securing the monies unsatisfied for loans upon
3 Annæ.
See 8 Geo. 1.
c. 15. s. 17.

III. And it is hereby declared and enacted by the authority aforesaid, That the said duties upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and upon muslins, and the said increased or additional rates by this act continued and imposed upon all coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and the said further rates and sums by this act continued, and payable for and upon all white callicoës, porcelan, commonly called *China* ware, and drugs, (the necessary charges of raising, managing, paying, and accounting for the same excepted) shall be appropriated, paid, and applied, and be subject and liable (over and above the said duties granted upon the like commodities by the said former act) to and for the securing, paying, and satisfying all the principal and interest monies, which shall from time to time remain unsatisfied, of or for the loans made upon the said act of the third year of her Majesty's reign, not exceeding the sum of seven hundred thousand pounds before-mentioned, in the same course, order and manner, as the monies arising by the said former act were thereby prescribed to be applied thereunto, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, under the like penalties, forfeitures, and disabilities, as by the said act of the third year of her Majesty's reign are prescribed, for diverting or misapplying any the monies thereby arising.

and not diverted to any other use.

3 & 4 Annæ,
c. 5.

IV. And whereas by another act of parliament made in England, in the third year of your Majesty's reign (intituled, An act for granting to her Majesty a further subsidy on wines and merchandizes imported) certain subsidies of tonnage and poundage, commonly called the two third subsidies, were granted and made payable for and upon all wines, goods, and merchandizes imported after the eighth day of March, one thousand seven hundred and four, within or during the space of four years from thence next and immediately ensuing; in which act there are contained clauses of credit for lending thereupon, any sums not exceeding in the whole the sum of six hundred thirty six thousand nine hundred fifty seven pounds, four shillings, and a halfpenny, at an interest not exceeding the rate of six pounds per centum per annum; and it is likely that the said subsidies granted by the act last-mentioned, may and will determine before the loans made thereupon and all the interest due or to grow due for the
same

same will be satisfied: we therefore your Majesty's said dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, for preserving the publick credit, have also given and granted, and do by this act give and grant to your Majesty the said subsidies of tonnage and poundage, commonly called the two third subsidies, herein after particularly described, for such farther term, and for such purpose, as are herein after expressed; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the authority aforesaid, That over and above all other subsidies, additional duties, impositions, and payments whatsoever, by this or any other act or acts of parliament or otherwise howsoever already due or payable, or which ought to be paid to her Majesty, for or upon any wines, goods, or merchandizes whatsoever imported or to be imported, there shall be raised, levied, collected, paid, and satisfied unto her Majesty, one other subsidy called tonnage, for and upon all wines which from and after the seventh day of *March*, one thousand seven hundred and eight, at any time or times, within, or during the space of three years from thence next and immediately ensuing, shall be imported or brought into *Great Britain*, that is to say, two third parts of such or the like several and respective duties, as by an act of the ninth year of the reign of his said late majesty King *William* the Third, of glorious memory, were granted to his Majesty during his life; and by an act in the first year of her Majesty's reign are continued and payable, during her Majesty's life, for or upon any kind of wine or wines respectively; and one other subsidy called poundage of all manner of goods and merchandizes to be imported or brought into *Great Britain*, at any time or times from and after the said seventh day of *March*, one thousand seven hundred and eight, within or during the said term of three years, by way of merchandize, that is to say, two third parts of such or the like several and respective duties, as by the said act of the ninth year of his said late Majesty's reign were granted, and by the said act of the first year of her Majesty's reign are continued and payable for or upon the same goods and merchandizes respectively (except tobacco and such currans as shall be imported in *English* built shipping, navigated according to the laws now in force, and sugar from the *English* plantations, and such goods and other merchandizes, as by the two acts last-mentioned, or either of them, are exempted from payment of the subsidies thereby granted.)

V. And be it enacted by the authority aforesaid, That the said duties, commonly called the two third subsidies, by this act granted and continued, as aforesaid, and every of them respectively, shall be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and subject to such drawbacks, allowances, and re-payments, and in such manner and form in all respects, as the like duties, commonly

The two third subsidies of tonnage and poundage continued from 7 March, 1708. for 3 years, made perpetual by 7 Annæ, c. 7. f. 22.

9 & 10 W. 3. c. 23. 1 Annæ, stat. 1. c. 7.

Except tobacco, currans, and sugar from the *English* plantations, &c. See 8 Annæ, c. 13. f. 21.

How duties shall be raised and accounted for.

3 & 4 Annæ,
c. 4.

Former pow-
ers revived.

called the two third subsidies respectively, granted by the said act of the third year of her Majesty's reign, are thereby, or by any other act or acts, laws or statutes whereunto that act hath reference, prescribed, enacted, or appointed, to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, during the continuance thereof respectively; and that all such of the powers, directions, penalties and forfeitures, clauses, matters and things provided, settled, or established by the said subsidy act of the third year of her Majesty's reign, or by any other act or acts now in force, whereunto that act hath relation, for the better raising, levying, recovering, answering, or paying the said respective duties, commonly called the two third subsidies, thereby granted, or for making any drawbacks, repayments, or allowances out of any of the said several and respective duties upon exportations, shall be revived, and be continued, and be in force and virtue, during the continuance of this act; and further for the recovery of all the arrearages, and sums of money, which shall become due or payable to her Majesty, her heirs and successors upon this act, in as full and ample manner, to all intents and purposes, as if the said powers, directions, penalties, forfeitures, clauses, matters and things, and every of them, were again repeated and re-enacted in the body of this present act.

Duties appro-
priated for
securing the
monies unsat-
isfied upon the
subsidy act,
3 & 4 Annæ.
c. 5.

VI. And it is hereby enacted and declared by the authority aforesaid, That the said duties, commonly called the two third subsidies, by this act continued and payable (the necessary charges of raising, managing, paying, and accounting for the same, excepted) shall be appropriated, paid, and applied, and be subject and liable (over and above the said duties called the two third subsidies, granted by the said former act) to and for the securing, paying, and satisfying all the principal and interest monies, which shall from time to time remain unsatisfied of or for the said loans, not exceeding six hundred thirty six thousand nine hundred fifty seven pounds, four shillings, and a halfpenny, made upon the said subsidy act of the third year of her Majesty's reign, in the same course, order, and manner, as the monies arising by the act last-mentioned were thereby prescribed to be applied thereunto, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, under the like penalties, forfeitures, and disabilities as by the said subsidy act of the third year of her Majesty's reign are prescribed, for diverting, or misapplying any the monies thereby arising.

and not di-
verted to any
other use.

When debt
shall be paid
off, monies
to be disposed
for publick
service.

VII. Provided always, and be it enacted by the authority aforesaid, That when and as the said respective sums of seven hundred thousand pounds, and six hundred thirty six thousand nine hundred fifty seven pounds, four shillings, and a halfpenny, and all the interest thereof due and to grow due, shall be respectively paid off and fully discharged, or that sufficient money shall be reserved in the Exchequer for that purpose, pursuant to the true meaning of this act, then and from thenceforth the said duties chargeable by this act with the said principal and interest,

interest, and either of them respectively, for and during the then remainder of the said respective terms hereby granted of and in the same respectively, shall be disposeable for the publick use and service by authority of parliament, and not otherwise; any thing herein contained to the contrary notwithstanding.

VIII. *And whereas by an act made in the sixth year of the reign of his said late majesty King William the Third (intituled, An act* 6 & 7 W. 3. c. 18.

for granting to his Majesty certain duties upon glass wares, stone and earthen bottles, coals and culm, for carrying on the war against France) reciting, That the imposition upon coals exported to foreign parts was so great, that it was almost a prohibition, to the great diminution of his Majesty's customs, and lessening the English navigation on the exportation of coals beyond the seas: for remedy whereof it was thereby enacted, That all coals exported beyond the seas in foreign bottoms, should during the continuance of that act, only pay ten shillings the chaldron, and English bottoms only three shillings the chaldron, which part of the said act was to determine on or about the twenty ninth day of September, one thousand seven hundred; and by another act made in the eleventh year of the same

King's reign, for continuing several laws therein mentioned, it was enacted, That all coals exported beyond the seas in foreign bottoms, should from and after the said twenty ninth day of September, one thousand seven hundred, for and during the space of seven years, and from thence to the end of the then next sessions of parliament, only pay ten shillings the chaldron, and in English bottoms only three shillings the chaldron; which several acts, in relation to coals exported, have been found very beneficial and useful to the publick, and fully to have answered the good ends and intent thereof; be it therefore

enacted by the authority aforesaid, That all coals exported beyond the seas, from and after the end of this present session of parliament, until the twenty fifth day of March, one thousand seven hundred and fifteen, and from thence to the end of the then next session of parliament, from Great Britain in foreign bottoms, shall only pay ten shillings the chaldron; and in British bottoms only three shillings the chaldron, and after those rates for greater or lesser quantities; any former law or statute to the contrary notwithstanding. The said respective duties on coals exported, to be raised, levied, uplifted, and recovered in the same manner, and under such penalties and forfeitures, as any other customs or duties payable to her Majesty upon the exportation of any goods or merchandizes are by any law or statute now in force, to be raised, levied, uplifted, or recovered in England or Scotland respectively.

IX. *And whereas by an act of parliament made in the eighth year of the reign of his said late majesty King William, of glorious memory (intituled, An act for making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the bank of England, and for raising the publick credit) it is amongst other things enacted, That during the continuance of the corporation of the governor and company of the bank of England, no other bank, or any other corporation, society, fellowship, company, or*

11 & 12 W. 3. c. 13.

Coals exported in foreign bottoms to pay until 1715, only 10s. per chaldron, in British bottoms only 3s. per chaldron. How duties shall be levied.

See 8 Ann. c. 13. s. 5.

8 & 9 W. 3. c. 20. & 9 Ann. c. 6. s. 5 to 11.

...in the nature of a bank, shall be erected or established, promoted, carried, countenanced, or allowed by all of parliament under the Great Seal, as in and by the said act more at large may appear; notwithstanding since the passing of the said act some corporations or companies of merchants or other great numbers of persons, by purchase of deeds or covenants united together, have pretended to borrow great sums of money, and therewith, contrary to the intent of the said act, to deal as a bank, to the apparent danger of the public credit of the kingdom: now for preventing of such practice in time to come, and the mischiefs thence to arise, be it enacted by the authority aforesaid, That from and after the twenty ninth day of September, in the year of our Lord one thousand seven hundred and eight, during the continuance of the governor and company of the bank of England, it shall not be lawful for any body politick or corporate whatsoever, erected, or to be erected, other than the said governor and company of the bank of England, or for other persons, whatsoever united or to be united in covenants or partnership, exceeding the number of six persons, in that part of Great Britain called England, to borrow, owe, or take up any sum or sums of money on their bills or notes, payable at demand, or at any less time than six months from the borrowing thereof.

From 29 Sep. 1708, during continuance of said act, no company or partnership exceeding 6 in number, shall take up any money on their bills, payable under 6 months.

All European linens, &c. exempted from duties by this act.

X. Provided always, and it is hereby enacted by the authority aforesaid, That all European linens, sisters threads, and tapes or inkle, linseed, and flax, shall be exempted from the payment of the duties imposed by this act (called the two third subsidies, as aforesaid) during the said term of three years by this act granted of and in the same, as aforesaid; any thing in this act contained to the contrary notwithstanding.

Auditor in making up receiver's accounts for county of Monmouth, to charge him with the deficiency in several aids herein mentioned.

XI. And whereas in raising the several sums granted to his late majesty King William, and her present Majesty, by several acts of parliament for granting aids by a land tax in the years one thousand seven hundred and one, one thousand seven hundred and two, one thousand seven hundred and three, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, there hath happened a deficiency in the several and respective aids in the county of Monmouth, and the commissioners in the said county having caused the same to be re-assessed and paid to the receiver general in a gross sum, and duplicates not regularly returned into her Majesty's remembrancers office in the Exchequer, by reason whereof the receiver is incapable of passing his account; be it enacted by the authority aforesaid, That the auditor in making up the said receiver's accounts for the said county, shall charge the said receiver with the sums contained in the several acts of parliament for the respective years before-mentioned, so as that the said sums are fully answered to her Majesty, although duplicates for the said county are not regularly returned.

After 29 Sep. 1708, no tobacco of the growth of Europe, to be

XII. And for promoting the consumption of tobacco of the growth of her Majesty's plantations in America, the increase of her Majesty's revenue, and for the better encouragement of the said British plantations, be it enacted by the authority aforesaid,

That

That from and after the twenty ninth day of *September*, in the year of our Lord one thousand seven hundred and eight, it shall not be lawful for any commander of any of her Majesty's ships of war, or purser thereof, to sell, deliver, or cause to be sold or delivered to any of her Majesty's seamen or marines on board of such ship, any tobacco of the growth of *Europe*, nor any tobacco mixed with tobacco of the said growth.

XIII. And for the better employment of the poor of this kingdom, be it likewise enacted, That all tobacco to be used or consumed on board any of her Majesty's ships of war in any part of *Europe*, from and after the said twenty ninth day of *September*, shall be such as is of the growth of the said *British* plantations which hath paid her Majesty the full duties, and been manufactured in *Great Britain*; upon pain that every such commander or purser who shall knowingly and wilfully offend herein, shall forfeit their respective places and employments, and three shillings for every pound weight of tobacco, and so in proportion for every greater or lesser quantity so sold and delivered; one moiety thereof to the Queen's majesty, and the other moiety to the informer who shall sue for the same by action or information in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law shall be allowed, and no more than one imparlance.

C A P. XXIII.

An act to make further provision for electing and summoning sixteen peers of Scotland to sit in the house of peers in the parliament of Great Britain; and for trying peers for offences committed in Scotland; and for the further regulating of voters in elections of members to serve in parliament.

I. **W**HEREAS by the two and twentieth article of the treaty of union for uniting the two kingdoms of England and Scotland, ratified and confirmed by the respective parliaments of each kingdom, it was, amongst other things, provided, That when her Majesty, her heirs or successors, should declare their pleasure for holding the first, or any subsequent parliament of Great Britain, until the parliament of Great Britain should make further provision therein, writs should issue under the great seal of the united kingdom of Great Britain, directed to the privy council of Scotland, commanding them to cause sixteen peers, who were to sit in the house of lords, to be summoned to parliament, in such manner as by an act of the then present session of parliament of Scotland, was or should be settled; in which session of the parliament in Scotland, an act was accordingly passed for that purpose, intituled, An act settling the manner of electing the sixteen peers and forty five members to represent Scotland in the parliament of Great Britain; which act was afterwards confirmed by the parliament of England, and declared to be as valid as if the same had been part of, and ingrossed in the said articles of union; by which act it is, amongst other things, provided and

enacted, That the sixteen peers, who should have a right to sit in the house of peers in the parliament of Great Britain, on the part of Scotland, by virtue of the said treaty, should be named by the said peers of Scotland, whom they represent, their heirs or successors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the peers present, and of the proxies for such as should be absent, the said proxies being peers, and producing a mandate in writing, duly signed before witnesses, and both the constituent and proxy being qualified according to law; and that such peers as were absent, being qualified as aforesaid, might send to all such meetings a list of the peers whom they judged fittest, validly signed by the said absent peers, which should be reckoned in the same manner, as if the parties had been present, and given in the said list: and in case of the death or legal incapacity of any of the said sixteen peers, that the aforesaid peers of Scotland should nominate another of their own number in place of the said peer or peers, in manner as therein is mentioned; and it was thereby further enacted, That until the parliament of Great Britain should make further provision therein, the said writs so to be issued, should contain a warrant and command, to command the said privy council to issue out a proclamation in her Majesty's name, requiring the peers of Scotland for the time to meet and assemble at such time and place within Scotland, as her Majesty and her royal successors should think fit, to make election of the said sixteen peers, and requiring the lord clerk register, or two of the clerks of session, to attend all such meetings, and to administer the oaths as were or should be by law required, and to ask the votes, and having made up the list in presence of the meeting, to return the names of the sixteen peers chosen, certified under the subscription of the said lord clerk register, clerk or clerks of session attending, to the clerk of the privy council of Scotland, to the end that the names of the sixteen peers being so returned to the privy council, might be returned to the court from whence the writ did issue, under the great seal of the united kingdom, conform to the said twenty second article: and whereas by an act of this present session, intituled, An act for rendering the union of the two kingdoms more entire and compleat, it is declared and enacted, That from and after the first day of May, one thousand seven hundred and eight, the privy council of Scotland shall cease and determine, whereby it is become necessary that some further provision should be made for the electing and returning the said sixteen peers, that are to sit in the house of peers in the parliament of Great Britain, pursuant to the said treaty; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That at all times hereafter when her Majesty, her heirs and successors, shall declare her or their pleasure for summoning and holding any parliament of Great Britain, that in order to the electing and summoning the sixteen peers of Scotland, a proclamation shall be issued under the great seal of Great Britain, commanding all the peers of Scotland to assemble and meet at Edinburgh, or in such other place in Scotland, and at such time as shall

6 Ann. c. 6.

Proclamation
to be issued for
electing 16
peers of Scot-
land, to sit in

Edinburgh, or in such other place in Scotland, and at such time as shall

shall be appointed in the said proclamation, to elect by open election the sixteen peers to sit and vote in the house of peers in the parliament of *Great Britain*, in such manner as by the before-recited act and herein after is appointed.

the parliament
of Great Bri-
tain.

II. And be it further enacted by the authority aforesaid, That every proclamation issued for the purpose aforesaid, shall be duly published at the market cross at *Edinburgh*, and in all the county towns of *Scotland*, five and twenty days at the least before the time thereby appointed for the meeting of the peers to proceed to such election.

And published
at *Edinburgh*,
&c. 25 days
before elec-
tion.

III. And be it further enacted by the authority aforesaid, That all the peers who meet on such proclamation, shall, before they proceed to the election, and in presence of the peers assembled for such election, take the respective oaths, *videlicet*:

All the peers
present to take
the oaths.

I A. B. do sincerely promise and swear, That I will be faithful, and bear true allegiance to her majesty *Queen Anne*.

Oaths.

So help me **G O D**.

I A. B. do swear, That I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, That princes excommunicated or deprived by the pope, or any authority of the see of *Rome*, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm,

So help me **G O D**.

And shall also make, repeat, and subscribe the declaration following; *videlicet*:

I A. B. do solemnly and sincerely, in the presence of God, profess, testify, and declare, That I do believe that in the sacrament of the *Lord's supper* there is not any transubstantiation of the elements of bread and wine into the body and blood of *Christ*, at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the virgin *Mary*, or any other *Saint*, and the sacrifice of the mass, as they are now used in the church of *Rome*, are superstitious and idolatrous. And I do solemnly, in the presence of God; profess, testify, and declare, That I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by *English protestants*, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted, before God or man, or absolved of this declaration, or any part thereof, although the pope or any other

And subscribe
the declara-
tion.

either person or persons, or power whatsoever, should dispense with, or annul the same, or declare that it was null and void from the beginning.

And also take and subscribe the oath following, *videlicet* :

And also take the following oath.

I A. B. do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, That our sovereign lady Queen Anne is lawful and rightful Queen of this realm, and of all other her Majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my conscience, the person pretended to be prince of Wales, during the life of the late King James, and since his decease pretending to be, and taking upon himself the stile and title of King of England, by the name of James the Third, or of Scotland by the name of James the Eighth, or the stile and title of King of Great Britain, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, That I will bear faith and true allegiance to her majesty Queen Anne, and her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against her person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to her Majesty and her successors all treasons and traitorous conspiracies, which I shall know to be against her or any of them, And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the crown against him the said James, and all other persons whatsoever, as the same is and stands settled by an act, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown to her present Majesty, and the heirs of her body, being protestants; and as the same by one other act, intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject, is and stands settled and entailed after the decease of her Majesty, and for default of issue of her Majesty, to the princess Sophia, electress and dutchess dowager of Hanover, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly, and truly, upon the true faith of a christian.

So help me G O D,

How peers living in Scotland or residing in England, not present at election, may take the oaths, &c.

IV. And that such peers that live in Scotland, but shall not be present at such meeting so appointed, may take the said oaths, and make and subscribe the said declaration in any sheriff's court in Scotland, and every sheriff, or his deputy, before whom such oaths, and such declaration shall be so made, subscribed and repeated, shall and is hereby required to return the

the original subscription of such oath and declaration, signed by the peer who took the same, and make a return in writing, under his hand and seal to the peers so assembled, of such peers taking the said oaths, and making and subscribing the said oath and declaration, and such peer shall be thereby enabled and qualified to make a proxy, or to send a signed list, containing the names of sixteen peers of *Scotland*, for whom he giveth his vote; and such of the peers of *Scotland*, as at the time of issuing such proclamation, reside in *England*, may take and subscribe the said oaths, and make, repeat, and subscribe the said declaration in her Majesty's high court of *Chancery of England*, her Majesty's court of *Queen's Bench, Common Pleas*, or court of *Exchequer in England*, which being certified by writ to the peers in *Scotland* at their meeting, under the seal of the court where such oath and declaration shall be made, repeated and subscribed, shall be sufficient to entitle such peer to make his proxy, and to send a signed list, as aforesaid; and in case any of the said peers of *Scotland*, who at any time before the issuing of such proclamation, have taken the said oaths, and made and subscribed the said declaration in *England* or *Scotland*, to be certified, as aforesaid, and if taken in parliament, to be certified under the great seal of *Great Britain*, shall at the time of issuing such proclamation be absent in the service of her Majesty, her heirs or successors, such peer may make his proxy, to send a signed list.

And be there-
by qualified to
make a proxy,
&c.

V. Provided always, and be it enacted by the authority a-
foresaid, That such peers of *Scotland* as are also peers of *England*,
shall sign their proxies and lists by the title of their peerage in
Scotland.

How proxies;
shall be sign'd.

VI. And be it further enacted by the authority aforesaid,
That no peer shall be capable of having more than two proxies
at one time.

No peer to
have more
than two
proxies.

VII. And be it further enacted by the authority aforesaid,
That at such meeting of the peers, they shall all give in the
names of the persons by them nominated to sit and vote in the
house of peers in the parliament of *Great Britain*, and the lord
clerk register, or two of the principal clerks of the session ap-
pointed by him to officiate in his name, shall after the election
is made and duly examined, certify the names of the sixteen
peers so elected, and sign and attest the same in the presence of
the peers; which certificate so signed and attested shall by the
lord clerk register, or two of the principal clerks of the sessions,
be returned into her Majesty's high court of *Chancery of Great
Britain*, before the time appointed for the meeting of the par-
liament.

After election
lord clerk re-
gister to certi-
fy the names
of the 16 peers
elected.

VIII. And be it further enacted by the authority aforesaid,
That the peers shall come to such meetings with their ordinary
attendants only, according to and under the several penalties
inflicted by the several laws and statutes now in force in *Scot-
land*, which prescribe and direct with what numbers and at-
tendants

How peers
shall come at-
tended to
elections.

tendants the subjects there may repair to the publick courts of justice.

And not debate or treat of any matter, &c. except only the election.

IX. And be it further enacted by the authority aforesaid, That it shall not be lawful for the peers so assembled and met together for the electing sixteen peers to sit and vote in the house of peers in the parliament of *Great Britain*, to act, propose, debate, or treat of any other matter or thing whatsoever, except only the election of the said sixteen peers; and that every peer who shall at such meeting presume to propose, debate, or treat of any other matter or thing contrary to the direction of this act, shall incur the penalty of *præmanire* expressed in the statute of the sixteenth year of King *Richard* the Second.

Confirmation of the act of parliament of Scotland.

X. And be it further declared by the authority aforesaid, That all and every matter and things for or concerning the election of sixteen peers of *Scotland*, to sit and vote in the house of peers in the parliament of *Great Britain*, directed and appointed to be observed and done by the articles of union, and the said recited act of parliament in *Scotland*, intituled, *All settling the manner of electing the sixteen peers and forty five members to represent Scotland in the parliament of Great Britain*, which act, by an act of parliament in *England* in the fifth year of her Majesty's reign, intituled, *An act for an union of the two kingdoms of England and Scotland*, was declared to be as valid as if the same had been part of, and ingrossed in the articles of union, thereby ratified and approved, shall be observed and performed, except only wherein this act has further declared and provided.

5 Ann. c. 2.

Exception.

In case of death or disability of peer elected, proclamation to issue for electing another.

XI. And be it further enacted by the authority aforesaid, That in case any of the sixteen peers so chosen shall die, or become otherwise legally disabled to sit in the house of peers of the parliament of *Great Britain*; that her Majesty, her heirs and successors shall forthwith, after such death or disability, issue a proclamation under the great seal of *Great Britain*, for electing another peer of *Scotland* to sit in the house of peers of the parliament of *Great Britain*, in the room of such peer deceased, or otherwise legally disabled; which proclamation shall be published at such time and places as is herein enacted, touching proclamations issued upon summoning a parliament of *Great Britain*; and the peers of *Scotland* being qualified as is hereby directed, shall proceed to elect a peer of *Scotland* to sit in the house of peers of the parliament of *Great Britain*, in the room of such peer deceased, or otherwise legally disabled, in such manner, and under such restrictions and regulations as are by this act directed to be observed, upon the electing sixteen peers of *Scotland* to sit in the house of peers of the parliament of *Great Britain*.

How peers shall be tried for treason, murder, &c. committed in Scotland.

XII. And be it further enacted by the authority aforesaid, That for the more effectual trial of any peer of *Great Britain* that hath committed, or shall commit any high treason, petit treason, misprision of treason, murder, or other felonies in *Scotland*, commission or commissions may issue under the great seal of

of *Great Britain*, to be directed to such person and persons as shall be therein named, constituting them and such a number of them, as shall be therein mentioned, justices of the Queen, her heirs and successors, to enquire by the oaths of good and lawful men of such county and counties of *Scotland* as shall be named therein, of all treasons, misprisions of treason, murders, and other felonies committed in such county by a peer or peers of *Great Britain*, which inquisition shall be taken and made in the same manner as indictments found and taken before justices of *Oyer and Terminer* of any county of *England*, and shall be of the same effect, and proceeded upon in the same method as any inquisition found before justices of *Oyer and Terminer* in *England*, whereby any peer is indicted for any such offence; and such justices shall issue mandates or precepts to the sheriffs of the respective counties of *Scotland*, to return to them at such day and place as they shall appoint, such and so many good and lawful men of the same county, as may be sufficient, to enquire of the offences aforesaid, and twelve or more of them so returned, being sworn, shall be sufficient to make such enquiry, and find any indictment; and if the sheriff of such county shall not summon a sufficient number of men to make such inquisition, the justices that do proceed upon such commission may impose a fine upon such sheriff, which shall be levied by process out of the Exchequer; and if any of the persons summoned by the sheriff to enquire, as aforesaid, shall not appear, the justices may in like manner impose a fine upon such persons so making default, to be levied in manner aforesaid.

XIII. And be it further enacted by the authority aforesaid, That every person who shall refuse to take the oath last herein before recited, or being a quaker shall refuse to declare the effect thereof upon his solemn affirmation, as directed by an act of parliament made in the seventh year of the reign of his late majesty King *William*, intituled, *An act that the solemn affirmation and declaration of the people called Quakers should be accepted instead of an oath in usual form*, (which oath or declaration the sheriff, president of the meeting, or chief officer taking the poll, at any election of members to serve in the house of commons for any place in *Great Britain*, or commissioners for choosing burgesses for any place in *Scotland*, at the request of any candidate or other person present at such election, are hereby impowered and required to administer) shall not be capable of giving any vote for the election of any such member to serve in the house of commons for any place in *Great Britain*, or commissioner to chuse a burgess for any place in *Scotland*.

XIV. Provided always, and be it enacted by the authority aforesaid, That if any person being a quaker, shall refuse to take the said oath, being tendred to him in pursuance of an act made this present session of parliament, intituled, *An act for the better security of her Majesty's person and government*, but shall instead thereof, declare the effect of the said oath, upon his solemn affirmation, as directed by an act of parliament made in the seventh year of the reign of his late majesty King *William* the

Persons refusing to take oath, or quaker to make affirmation, &c. incapable of voting for election of member, &c. 7 & 8 W. 3. c. 34.

Quakers declaring on their affirmation not liable to penalties by 6 Ann. c. 14. 7 & 8 W. 3. c. 34.

Third, intituled, *An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in usual form, which affirmation shall be administered to such quakers instead of the said oath, such quaker shall not be liable to any the penalties or forfeitures for refusing the said oath when tendred to him, contained or mentioned in the said act, intituled, An act for the better security of her Majesty's person and government.*

6 Ann. c. 14.

C A P. XXIV.

An act for the further directing the payment of the equivalent money.

3 Geo. 1. c. 14.

398, 085 l. 10.
granted as an
equivalent to
Scotland.

I. WHEREAS by the treaty of union, and fiftenth article thereof, it is agreed, That Scotland shall have an equivalent for what the subjects thereof shall be charged towards payment of the debts of England contracted before the union, in all particulars whatsoever; and particularly, that the sum of three hundred ninety eight thousand and eighty five pounds ten shillings, should be granted to her Majesty as an equivalent to Scotland, for such parts of the customs and excise there, as should be applicable to the payment of the said debts of England, according to the proportions therein set down; and in regard that after the union, Scotland becoming liable to the same customs and duties of excises upon all exciseable liquors as in England, as well on that account as upon the account of the increase of trade and people, the said revenues will much improve beyond the values mentioned in the said article, of which no estimate could be made, it was agreed, That after the union there should be kept an account of the said duties arising in Scotland, to the end it might appear what ought to be answered to Scotland, as an equivalent for such proportion of the said increase as should be applicable to the payment of the debts of England; and for the further and more effectual answering the several ends therein after mentioned, it was agreed, That from and after the union, the aforesaid whole increase of the revenues of customs and excises in Scotland therein expressed, should go and be applied for the term of seven years to the uses therein set down; and that upon the said account there should be answered to Scotland annually, from the end of seven years after the union, an equivalent, in proportion to such part of the said increase as shall be applicable to the said debts of England; and generally that an equivalent should be answered to Scotland for such parts of the debts of England as Scotland might thereafter become liable to pay, by reason of the union, other than such as are in the said article expressed; and as for the uses to which the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings, and other monies, which are to be answered or allowed to Scotland, as aforesaid, are to be applied, it was thereby agreed, That in the first place, the losses which private persons might sustain by reducing the coin of Scotland to the standard and value of the coin of England, might be made good; in the next place, That the capital stock or fund of the African and Indian company of Scotland advanced, together with the interest of the said capital stock after the rate of five pounds per centum

Uses to which
the said sum
is to be ap-
plied, viz.
Losses by re-
ducing the
coin.

centum per annum, from the respective times of payment thereof, should be paid; and as to the overplus of the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings, and also the whole encrease of the said revenue of customs and excise, above the then values arising during the term of seven years, with the equivalent which should become due upon improvement thereof, and also all other sums, which, according to the aforesaid agreement, should become payable to Scotland by way of equivalent, it was agreed, That the same should be applied in manner following, viz. that all the publick debts of the kingdom of Scotland, as should be adjusted by the then parliament of Scotland, should be paid; and that two thousand pounds per annum, for the space of seven years, should be applied towards encouraging the manufacture of coarse wooll, within those shires which produce the wooll; and afterwards the same should be wholly applied for encouraging the fisheries, and such other manufactures and improvements in Scotland, as may most conduce to the general good of the united kingdom: and whereas for preventing all mistakes or abuses which might hinder the ready application of the aforesaid money to the proprietors and others concerned in the stock of the African and Indian company of Scotland, conform to the said article, there was an act made in the last session of the last parliament of Scotland, intituled, Act concerning the payment of the sums out of the equivalent to the African company, wherein it is, amongst other things, enacted, That the directors of the said African and Indian company of Scotland, should make up accounts of the sums advanced by the proprietors of the said company, and debts due by the said company, the whole, with interest due thereon, not exceeding two hundred thirty two thousand eight hundred and eighty four pounds five shillings, and two third parts of a penny sterling, on the first day of May then next, and now past, and appointed the proprietors for their respective shares to be paid, and to have execution as therein also is expressed; and in like manner by another act of the said parliament of Scotland, intituled, Act concerning the publick debts, the payments to be made on account of the publick debts of Scotland, are adjusted as in the said fifteenth article, and two acts above-mentioned, is more amply contained: and whereas the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings, has been paid for and on the part of England, to the commissioners of the equivalent in Scotland, pursuant to the aforesaid articles, and considerable sums have by them been issued out, conform to the same, and the above recited acts of the parliament of Scotland; but by experience it has been found, that some further direction is yet necessary for the better application of what remains of the said sum yet unapplied, and all other sums which are or may become due by virtue of the agreements aforesaid, and for the more effectual attaining the ends mentioned in the said article of the treaty and acts above recited; therefore her Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do humbly beseech her Majesty, that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in

Capital stock
of the African
and Indian
company

Overplus mo-
nies how ap-
plied.

this

Commissioners of the customs, excise, &c. to make two abbreviats of the produce of those revenues, &c.

From the union to the 5 March, 1708.

Lord treasurer on receipt of such abbreviats to order immediate payment, &c.

In what manner 72 l. 8s. and five sixths of a penny shall be disposed of.

this present parliament assembled, and by authority of the same, That the commissioners, managers, collectors, or other proper officers of the customs and excise upon all exciseable liquors, and of all other duties and revenues from whence an equivalent may arise to *Scotland*, according to the agreements contained in the aforesaid treaty, shall on or before the twenty fourth day of *June*, one thousand seven hundred and eight, make and subscribe two authentick abbreviats of the produce of such revenues, with the amount of the several sums which shall be due by way of equivalent, according to the said agreements, from the commencement of the union, to the five and twentieth day of *March*, one thousand seven hundred and eight, for the first time, and so from thence forward half-yearly within three months after expiring of each half year, and shall transmit one of the said abbreviats to the lord high treasurer of *Great Britain*, or the commissioners of the treasury for the time being, and the other to the commissioners of equivalent in *Scotland* for the time being.

II. And be it further enacted by the authority aforesaid, That the lord high treasurer, or commissioners of the treasury aforesaid, upon the receipt of such abbreviats, shall and may grant his or their warrants or orders for the immediate payment of such sums as shall be so found due to the commissioners of the equivalent for the time being, or to such person or persons as they shall appoint from time to time to receive the same, for the purposes in this act expressed.

III. And whereas by the said fifteenth and sixteenth acts of the last session of the last parliament of *Scotland*, the sum of two hundred thirty two thousand eight hundred and eighty four pounds five shillings, and two third parts of a penny, is designed and appropriated for payment of the sums due to the *African* and *Indian* company of *Scotland* out of the equivalent, according to the accounts ordered to be made by the directors of the said company: and also whereas the accounts given in by them do fall short of the aforesaid sum of two hundred thirty two thousand eight hundred and eighty four pounds, five shillings and two third parts of a penny, in the sum of seven hundred and twenty one pounds, eight shillings, and five six parts of a penny sterling, whereby the same falls now to be disposable for other uses: and whereas the said directors of the *Indian* and *African* company have been put to very considerable charges in making up the said accounts, and in employing clerks, and others necessary for that service, which expences do far exceed the three hundred pounds allowed them by the aforesaid fifteenth act; be it therefore enacted by the authority aforesaid, That out of the aforesaid sum of seven hundred twenty one pounds, eight shillings, and five six parts of a penny sterling, there be paid by the aforesaid commissioners of the equivalent to the said directors or their order, the sum of five hundred pounds sterling; and as to the remainder of the aforesaid sum of seven hundred twenty one pounds, eight shillings, and five

five six parts of a penny sterling, That out of the same the sum of one hundred and fifty pounds shall be paid by the said commissioners of the equivalent to Mr. *Alexander Cunningham*, in satisfaction to him of the like sum advanced and paid out by him while he was employed by his late majesty King *William*, of glorious memory, for negotiating certain publick affairs concerning *Scotland*; and that the remainder of the said sum of seven hundred twenty one pounds eight shillings, and five six parts of a penny sterling, shall be applied to the same uses, and in the manner contained in the said sixteenth act.

IV. And whereas by the said fifteenth article of union, provision is made for payment of two thousand pounds yearly, for the space of seven years, to be employed towards the encouraging the manufacture of coarse wool within those shires which produce the same: and whereas there having been no direction given, neither by the said treaty of union, nor by any subsequent act or order of parliament in *Scotland*, to whom the same is to be paid, the commissioners of equivalent have hitherto made no payment of any part of the said sum so appropriated; be it therefore enacted by the authority aforesaid, That the judges of the court of Exchequer in *Scotland* for the time being, shall have full power and authority, and are hereby fully empowered and authorized, upon such information or advice as to them shall seem most expedient, to make such distribution of the said money yearly, during the space aforesaid, amongst those shires that produce the said coarse wool, in such districts or divisions as they shall think fit, and in such proportion as to them shall seem most equitable, with power likewise to them to name and appoint certain persons, one or more for each district or division, to receive such part of the said two thousand pounds yearly, as shall have been by them allowed and appropriated to such district or division, whose receipt or discharge shall be sufficient warrant for the commissioners of equivalent to pay the same, with further power likewise to the said judges of the court of Exchequer to establish such rules and orders for disposing of the money so received, in such manner as they shall think will best answer the ends and design for which the same is granted by the said treaty of union, and to appoint persons in every district or division to oversee and direct the disposal of the said monies, and to be accountable to them for such their administration.

Judges of the
Exchequer to
distribute
2000l. per ann.
for encourag-
ing the manu-
facture of
coarse wool.

V. And whereas by the aforesaid sixteenth act of the last session of the last parliament of *Scotland*, intituled, *An act concerning publick debts*, the lords of her Majesty's treasury in *Scotland* were appointed betwixt this and the first day of *May* then next, to draw up an account of the said debts due to the civil list and army, to be given in to the commissioners of the equivalent, and to give certificates to the respective parties having right to any of the said debts, that by virtue of those certificates the parties may be empowered to use diligence, and to recover their monies in manner therein directed: and whereas by reason

And make up
the accounts
of the debts of
Scotland.

son of the great variety and importance of those accounts, and the remissness of the parties having interest, it has fallen out, That no full or distinct account has yet been made, pursuant to the said act, and conform to the orders and classes therein mentioned; be it therefore enacted by the authority aforesaid, That the judges of the court of Exchequer in *Scotland* for the time being, shall and are hereby impowered to make up lists according to the said sixteenth act, and for that end to call for all books, accounts, or other records or writings necessary for these purposes, and all havers of such writs are ordained to exhibit the same; and in case of refusal, the said judges are hereby impowered to use such form of execution or distress, as to them shall seem expedient.

All persons interested in the said debts, to compare before the judges at *Edinburgh*.

VI. And be it further enacted by the authority aforesaid, That the said judges shall by publick proclamation at the market-cross of *Edinburgh*, or by any other form of publick proclamation the said judges shall think fit, intimate to all parties within or without the kingdom, having interest in any of the publick debts of *Scotland* before the union, and having right by the said act of parliament to claim, to compare by themselves, or their lawful procurators or attorneys before the said judges at *Edinburgh*, in the ordinary place where the said court of Exchequer meets, at or before any day to be by them therein appointed, not shorter than six months from the date of the publick proclamation at the market-cross of *Edinburgh*, and there to exhibit their claims and instructions, declaring, That the accounts hereby and by the afore recited act of parliament of *Scotland* appointed to be made, shall be made up only of such claims as shall be presented to them within the said time, and the commissioners of the equivalent impowered to pay these only who shall be contained in the said general account.

And exhibit their claims.

Judges to proceed without delay in making up the accounts.

VII. And to the end that the aforesaid accounts may be the more fully and regularly made up, and in such expeditious manner as may be most useful to all parties concerned, be it also further enacted by the authority aforesaid, That the said judges shall proceed without loss of time or delay whatsoever, to the making up of the aforesaid accounts, according to the claims and instructions duly presented and verified: and the said general accounts being so made up, an authentick copy of the same subscribed by the said judges of the Exchequer, shall be delivered to the commissioners of the equivalent, or their secretary or clerk, and certificates shall be granted to each of the several parties *gratis* of such article of the said general account as does concern them: which certificate shall be signed in manner aforesaid, and shall contain the name of the party to whom the debt was originally due, the sum payable, with the list civil or military upon which the same is charged, and the class and order of preference of such debt, according to the said sixteenth act, and shall be assignable and transferrable by indorsement.

Copy to be delivered to the commissioners of the equivalent.

Persons omitting to make

VIII. And be it further enacted by the authority aforesaid, That such persons as shall happen to omit to compare and make good

good their said claims before the said judges of the Exchequer, within the time to be by them appointed in manner above directed, and shall thereby lose the benefit of being placed and stated upon the said general account, according to which only the commissioners of equivalent are by this act impowered to make payment as is above more at large expressed, shall nevertheless be allowed to compare by themselves, or others by them lawfully impowered for that end, before the said judges of the Exchequer on any lawful day within one year after elapsing of the said first day, to be by them appointed, and there to exhibit and make good before them their respective claims; which claims so made good, shall be by the said judges of Exchequer admitted and formed into one second general account without distinction or order of preference whatsoever, to be by them signed and delivered to the commissioners of equivalent, as also shall grant certificates transferrable by indorsement; and in the same manner and form as these upon the first general accounts are hereby directed, payable by the commissioners of equivalent next and immediately after the whole debts due upon the first two general accounts.

good their claims to lose the benefit of being placed upon the general account.

But may make good their claims within a year after, &c.

IX. Declaring always, and it is hereby enacted and declared, That such persons as shall neglect to compare and make good their claims, as is above appointed, before elapsing of this second term hereby granted, shall for ever after be excluded and debarred from all right, claim or pretension they may have for payment to be made to them of such their debts out of this or any other equivalent arising to *Scotland* by virtue of the treaty of union.

Or for ever after be excluded.

X. And whereas certificates may have been granted by the lords of treasury to sundry persons, which have not yet been presented or paid, and which might occasion confusion if such precepts should yet remain in force, be it therefore enacted by the authority aforesaid, That all such certificates shall cease and become void.

Certificates from treasury not yet presented, void.

XI. And for the better direction for the commissioners of the equivalent in payment and application of the monies of the equivalent, be it enacted by the authority aforesaid, That the commissioners of the equivalent shall be liable in the manner prescribed in the aforesaid sixteenth act of the last session of the last parliament of *Scotland*, to the several parties having interest, and in all cases where the said commissioners shall not have sufficient sums of money in their hands for answering the whole sum due to any particular order or class, be it further enacted by the authority aforesaid, That upon presenting of any certificate made and signed in manner above directed, and agreeing with the said general accounts, the said commissioners shall make payment to the parties having right respectively and proportionably, as the sums due to the said parties have proportion to the whole sum due to the same class, and shall retire the principal certificate, with a receipt on the back thereof, for such sum as shall be then paid, and shall give forth to the said

In what manner the commissioners of the equivalent shall make payment.

parties respectively transferrable debentures, containing the sum remaining due, with the list either civil or military, upon which it is due, and the order of preference; which debenture shall have the same force and authority for the sum therein contained as the principal certificate above-mentioned; and upon each partial payment the former debentures being retired with a receipt of the sum then paid, new debentures shall be granted of the same nature and force as the former, until the whole be paid and discharged.

Commissioners
impowered to
receive certi-
ficates for pub-
lick debts.

XII. And whereas it appears, That after the payment and disposal of the above-mentioned whole sum of three hundred and ninety eight thousand eighty five pounds, ten shillings, there will still remain very considerable sums of publick debts to be paid and satisfied out of the other sums which according to the agreements contained in the treaty of union, will become payable to *Scotland* by way of equivalent; be it enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of equivalent, and they are hereby directed and impowered from time to time to call for and receive all and every certificates for such publick debts to be signed by the judges of the court of Exchequer in *Scotland*, by virtue of this act, from the persons having right thereto; and where there shall not be sufficient monies of the said sum of three hundred and ninety eight thousand eighty five pounds ten shillings, remaining in their hands for payment of the sums therein contained, That then upon the person or persons having right to the said sums contained in the said certificates, granting his or their receipt or discharge upon the back thereof, and delivering the same to the commissioners of equivalent for their warrant, they shall grant to such person or persons one or more debentures for the sums contained in the said certificate so discharged, or for such part thereof as shall then remain unpaid, in such form and manner as they shall judge most proper: which debentures shall be assignable and transferrable by indorsement, and bear interest after the rate of five pounds *per cent. per annum*, from the twenty fourth day of *June* one thousand seven hundred and eight, and payable out of the first and readiest of the said other sums arising by way of equivalent only, preferable to all principal sums; and that half yearly, that is to say, Upon the twenty fifth day of *December*, and the twenty fourth day of *June* annually, until the said whole interest and arrears thereof, together with the principal sums of such debentures shall come to be paid off, and discharged, in the rank and order of preference by this act, and the said sixteenth act of the last session of the last parliament in *Scotland* directed.

And grant de-
bentures for
the sums con-
tained therein,
&c. which
shall be assign-
able and bear
5 l. per cent.
interest.

On notice of
payment, in-
terest to cease.

XIII. Providing always, and be it hereby provided, That when publick intimation shall be made by the commissioners of equivalent (in such manner as to them shall seem most expedient) for all persons having interest to come in and receive the sums due to them upon all or any of the aforesaid debentures, or any proportion thereof, according to the rules aforesaid, at

or before any day in such publick intimation to be expressed, the obligation for payment of the said interest upon any such sums, or proportion of sums, shall from that day forth cease and become void.

XIV. And whereas, the case of the arrears of pensions due to the late bishops in *Scotland*, and to the poor upon her Majesty's charity there, are of themselves pious causes and of pressing necessity, and their conditions were represented to the commissioners of the equivalent of *Scotland*, to the end that the same might be laid before the parliament of *Great Britain* for relief; be it therefore enacted by the authority aforesaid, That out of the first and readiest of the money remaining in the hands of the commissioners of the equivalent, appointed for payment of the debts upon the civil list, there shall be paid by them a full year's pension of her Majesty's charity to the late bishops and their representatives, and the poor in her Majesty's charity-roll, in part of payment of what is due to them, preceding the first of *May* one thousand seven hundred and seven.

Commissioners to pay a years pension to the late bishops, and to the poor in Queen's charity roll.

XV. And whereas the commissioners of equivalent have already advanced, and will in the further progress of their management, be under a necessity to lay out money for defraying the necessary charges that attend their trust, and for defending in processes before the judge ordinary, when the titles of parties are not clear, and have employed several servants, on whom they have settled fees and salaries, although there has been hitherto no provisions made for such expence; be it therefore enacted, That allowance be given for such sums as have been, or shall necessarily be by them laid out for these purposes; as also that they have power to pay the necessary fees and salaries, not exceeding the sum of nine hundred and twenty pounds in the year; which sums allowed for expences and fees shall be a charge upon, and payable out of the first and readiest of the money which is or shall be in the hands of the said commissioners from time to time, and shall be allowed to the said commissioners in their accounts for the said sums.

Commissioners to be allowed in their accounts 920 l. per ann. for necessary charges, &c.

XVI. And in regard the supplies granted by the last parliament in *Scotland*, for the publick service of that part of *Great Britain*, for the year one thousand seven hundred and seven, appear to have fallen short of the actual expence which should have been provided for by that parliament; be it enacted by the authority aforesaid, That the said judges of the court of Exchequer in *Scotland* for the time being, shall and are hereby directed to state and take an account of the said deficiencies, to the end the same may be satisfied in such manner as the parliament of *Great Britain* shall hereafter think fit.

Judges to state the deficiency of the supplies for the year 1707.

XVII. And whereas the commissioners of equivalent have been at considerable pains and charges in attending the distribution of the equivalent-money, and are made liable in their persons and estates to the parties having interest, and to account to the parliament of *Great Britain* for their administration: and whereas there has been no express provision made for an

Commissioners
of the equivalent to have
each 300 l.
per ann.

allowance to them, in consideration of their said great pains and expence; be it therefore enacted by the authority aforesaid, That each commissioner of the equivalent named or to be named, and accepting and acting, shall have allowance of the sum of three hundred pounds yearly during his continuance in the administration thereof, which shall be due and payable out of all the sums of money that have or shall become due to *Scotland*, by way of equivalent, other than the aforesaid sum of three hundred and ninety eight thousand eighty five pounds, ten shillings, and shall be allowed in any accounts to be made for the same, after payment of the interest upon the debentures appointed to be made in manner by this act directed; any thing in this act contained to the contrary notwithstanding.

No action to
be competent
against any
commissioner,
&c.

XVIII. And whereas it being just and reasonable that the commissioners of equivalent should be only liable for what is done during the time of their having continued in trust; and that the actions, executions and distresses provided to have effect and pass against the said commissioners, by virtue of the aforesaid fifteenth and sixteenth acts passed in the parliament of *Scotland*, should not remain as a perpetual incumbrance upon their persons and estates; be it therefore enacted by the authority aforesaid, That no action, execution or distress, shall be competent against any who have been or shall be named, and has accepted or shall accept to be commissioners of equivalent, for any other fact or deed of the said commissioners in the matter of their trust, other than such facts or deeds as have fallen out, and have been done during the time of the said commissioner or commissioners, his or their continuing in the said trust.

How and when
actions shall
commence
and deter-
mine, &c.

XIX. And be it further enacted by the authority aforesaid, That all action, distress or execution against the said commissioners, or any of them, on account of mistakes in payment, shall determine and be prescribed within the space of two years after the date of the payment that shall happen to be controverted; and that any action commenced within that space, shall be prosecuted and finally determined within the space of three years after the commencement thereof; any law, statute or usage to the contrary notwithstanding: reserving nevertheless to the parties having interest, action against all who have by any such error received money to which they have no right.

No omission of
directors of
African com-
pany to pre-
judice the right
of William Pa-
terson.

XX. And whereas it appears that the accounts of the stock advanced, and debts due by the *African* and *Indian* company in *Scotland*, have been made up without regard to the claim of *William Paterson* esquire, for his expences, pains and losses, on account, and at the instance of the said company; be it enacted by the authority aforesaid, That no omission or neglect of the directors of the said company, or of others concerned in stating, adjusting or certifying the claims or demands upon the equivalent, shall prejudice the right, interest, claim or demand of the said *William Paterson*, in and upon the said company, but that the several sums due to him by the said company, shall

be certified and thereupon fully satisfied and paid in the terms of the treaty of union, as the same shall be proved before the aforesaid judges of the court of Exchequer in *Scotland*.

XXI. And in regard that since the making of the first contracts and agreements the said *William Paterson* hath been at further expences, and sustained other losses and damages for and on account of the said company; be it therefore further enacted, That the said judges of the court of Exchequer in *Scotland* shall and are hereby required to take an account of those his expences and losses, and likewise of his good services and publick taxes, and make a full and fair representation thereof to her Majesty.

Judges to represent his losses and services to the Queen,

XXII. And to the end that the more full and free enquiries may be made, and information had of the premisses, the said judges of the court of Exchequer in *Scotland*, shall and may, from time to time, direct their commission or commissions to any commissioner or commissioners within this kingdom of *Great Britain*, or dominions and territories thereunto belonging, for taking the requisite examinations or informations to the purposes aforesaid, and for reporting the same to the said judges of the court of Exchequer in *Scotland*.

Judges may direct commissions of enquiry into Great Britain, &c.

XXIII. And be it further enacted by the authority aforesaid, That no clerk, secretary, accountant, or other officer or servant whatsoever, belonging to the said court of Exchequer in *Scotland*, or the commission of equivalent, shall receive any fee or reward whatsoever for his or their pains, attendance or service in making up, stating, adjusting, or determining the claims or debts belonging to any person or persons which by this act are appointed to be made, stated or adjusted, nor for granting certificates, or obtaining payment or satisfaction for the sums therein contained, or interest thereof, upon pretext of bills, petitions, discharges, or any other pretext whatsoever, under the pains of forfeiting their said offices, as also the third part of the sum contained, or to be contained in such certificate, upon occasion whereof the said exaction is made, to be recovered to the person from whom such money shall be unduly exacted, or to the informer before the judge competent summarily, without abiding the course of the roll.

No officer, &c. of Exchequer to receive any fee, &c. in making up of claims, &c.

On penalty.

CAP. XXV.

An act to enable her Majesty to make leases and copies of offices, lands, and hereditaments, parcel of her duchy of Cornwall, or annexed to the same. E X P.

All leases made by copy of court roll, or within seven years next ensuing according to custom of manor, &c. to be good in law. No lease to be for more than three lives, or 31 years. All covenants, &c. in lease, &c. good. Salvo of right to all persons, &c. except the Queen, &c. On payment of composition-money for taking off increased rent, such increased rent to cease.

C A P. XXVI.

An act for settling and establishing a court of Exchequer in the north part of Great Britain called Scotland.

5 ANNÆ, c. 8.

WHEREAS in and by the nineteenth article in a late act of parliament made in the fifth year of her now Majesty's reign, intituled, An act for an union of the two kingdoms of England and Scotland, it is amongst other things provided, That there should be a court of Exchequer in Scotland after the said union, for deciding questions concerning the revenues of customs and excise there, having the same power and authority in such cases, as the court of Exchequer has in England, and that the said court of Exchequer in Scotland, have power of passing signatures, gifts, tutories, and other things, as the court of Exchequer in Scotland then had, and that the court of Exchequer that then was in Scotland, should remain until a new court of Exchequer be settled by the parliament of Great Britain in Scotland after the union, which union took effect upon the first day of May, in the sixth year of her now Majesty's reign, one thousand seven hundred and seven, and thereby the said two kingdoms of England and Scotland became united into one kingdom, by the name of Great Britain; to the intent therefore that there may be a court of Exchequer settled and established in Scotland, pursuant to the purport and meaning of the said recited act, and of the nineteenth article therein contained; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, one thousand seven hundred and eight, a court of Exchequer, to be called and known by the name of *The court of Exchequer in Scotland*, shall be, and by authority of this act is hereby erected, constituted, and established in and for that part of *Great Britain* called *Scotland*, and that the said court of Exchequer shall be and is hereby enacted to be a court of record, revenue, and judicature, for and within *Scotland*, and to have continuance for ever, and to be held within the city of *Edinburgh*, at such place or places where the former Exchequer of *Scotland* before the said union was usually held, or at such other place or places in *Scotland*, as by authority from the Queen's majesty, her heirs or successors, and in default thereof, by the judges of the said court of Exchequer for the time being, shall from time to time be directed, limited or appointed.

From first May, 1708, a court of Exchequer to be erected in Scotland.

And to be a court of record for ever, lord treasurer, and such others as Queen shall appoint to be chief baron

II. And it is further enacted by the authority aforesaid, That the lord high treasurer of *Great Britain* for the time being, and such other person and persons as by commissions from the Queen's majesty, her heirs and successors, under the seal which by the said articles of union is appointed to be kept in *Scotland*, from time to time, shall be ordained, constituted, or appointed to be the chief baron, and other barons of the said court of Exchequer in

in *Scotland*, shall be the judges of and in the said court; and the said lord high treasurer and barons, and the said barons in the absence of the said lord high treasurer, shall have and put in execution all and every the judicial and other powers and authorities of or belonging, or which shall or may appertain or belong to the said court, or wherewith the said court shall be invested, and the said barons shall remain, and have continuance in their respective offices and places *quam diu se bene gesserint*; which barons of the *Exchequer* are to be made of such as have been, are or shall be serjeants at law, or barristers of law of five years standing in some of the four inns of court in *England*, or else of such persons as shall have been, are or shall be advocates in the college of justice in *Scotland* for five years; and the said barons of the *Exchequer* in *Scotland* shall respectively take the same oaths of office, *mutatis mutandis*, and other oaths, as the barons of the court of *Exchequer* in *England* have used, or ought to take, upon their admissions into their respective offices, the said oaths to be taken for the first time before the court of session in open court, in case the said court be sitting, or otherwise, in case the said court be not then sitting; before any three of the lords of session, and at all times hereafter before the said court of *Exchequer*; and the said chief baron and barons shall use and wear such robes and habits as the chief baron and barons of the court of *Exchequer* in *England* do use and wear, or such other robes or habits as her Majesty, her heirs or successors, shall appoint.

III. And it is further enacted by the authority aforesaid, That there shall be in the said court of *Exchequer* in *Scotland*, the several offices following, that is to say, The office of Queen's remembrancer, the office of lord treasurer's remembrancer, the office of clerk of the pipe, and such other offices now in being in the court of *Exchequer* in *England*, or are now in being in *Scotland*, relating to signatures, gifts, and tutories, as the Queen's majesty, her heirs and successors, shall from time to time think fit and proper, to be constituted and appointed under the seal which by the said articles of union is appointed to be kept in *Scotland*; and that such persons shall be the masters or chief officers of and in the said respective offices, and for such term, estate, and interest therein, as the Queen's majesty, her heirs and successors, shall from time to time by letters patents under the seal aforesaid, ordain or appoint, and that the said masters or chief officers of the aforesaid several offices shall have and appoint from time to time under them, and in their respective offices, such and so many attornies and clerks as shall be fit and proper for the business in their respective offices; which said masters and chief officers, as also the said attornies and clerks, shall, before their admissions into their offices or places respectively, take such oath or oaths in the said court, or before the chief baron, or one of the barons of the said court, for their faithful and honest carriage and behaviour in their said offices respectively, as the like officers, attornies and clerks in the court of *Exchequer* in *England* have used

and barons of the *Exchequer*, shall be judges of the said court.

And continue in their offices *quam diu se bene gesserint*.

7 Geo. 2. c. 16. f. 4.

And take the same oaths of office as the barons in *England*.

And wear such robes, &c.

Other offices to be in the said court.

used and ought to do, or as by the barons of the said court of *Exchequer* in *Scotland* shall for that purpose be devised and appointed.

Officers, &c. may be punished for neglect of duty.

IV. Provided nevertheless, That the said several chief officers in the respective offices aforesaid, as also the said attorneys, clerks, and other officers of or belonging to the said court of *Exchequer* in *Scotland* for the time being, shall all of them be subject and obedient to the said court of *Exchequer*, and may be suspended, punished, or removed by the said court for neglect of duty, or for crimes and misdemeanors in their respective offices and places, or other just causes.

Queen to assign a seal, for the court.

V. And be it further enacted by the authority aforesaid, That there shall be a seal to be assigned or appointed by the Queen's majesty, her heirs and successors, for the sealing all such letters patents, grants, commissions, writs, precepts, and other process and proceedings, which shall issue out of or be awarded by the said court of *Exchequer* in *Scotland*, or ought or shall be directed to pass under the seal of the said court; which seal shall

Chief baron to keep the same.

be kept in the custody of the chief baron of the said court of *Exchequer* in *Scotland*, for the time being; and the said chief baron or such person or persons as he shall depute, and for whom he will be answerable, shall therewith seal all letters patents, grants, commissions, writs, precepts, and other process and proceedings before-mentioned, which shall be brought to be sealed; and for that purpose shall attend at proper and convenient times and places to be directed by the said court of *Exchequer* in *Scotland*, or any of the barons thereof (in case any question shall arise touching the same;) and the said court of *Exchequer* in *Scotland* is hereby empowered from time to time to depute and appoint all such other officers, ministers, clerks, servants, and attendants for the constituting of which there is no other provision made by this act, as shall be thought convenient for the use and service of the said court, and for the carrying on and dispatch of the business therein, subject and liable nevertheless to be suspended, punished, and removed, and to the taking of such oaths,

Court may constitute other officers, &c. for service of the court.

Who shall take the oaths, &c.

mutatis mutandis, for the faithful execution of their respective offices, places, and employments, as herein before is provided for any the officers, attorneys or clerks in the said court of *Exchequer* in *Scotland*; and all and every the sheriffs, by themselves or their sufficient deputies for whom they are to be answerable, and other officers, ministers, and subjects in *Scotland*, are hereby enjoined and required to be from time to time aiding, assisting, obedient to, and attendant upon the said court of *Exchequer* in *Scotland*, and the judges and jurisdiction thereof, in all things relating to the said court of *Exchequer*, which do, may, or shall any ways touch or concern their respective offices or duties in any manner of wise, and shall be liable and subject to such penalties and punishments for neglect of their duties, or for any contempts or disobedience to the said court, or the process thereof, or for any other neglect, contempt, or offence, as shall be

All sheriffs, &c. to be attendant.

set or imposed upon them respectively by the said court of *Exchequer*.

VI. And be it further enacted by the authority aforesaid, ^{Its jurisdiction and authority.} That all and every the revenues and duties of customs and excise, and all and every other the revenues, debts, duties, and profits of what nature or kind soever, any ways appertaining, or which hereafter shall appertain to the Queen's majesty, her heirs or successors within *Scotland*, either as Queen of *Great Britain*, or as prince and steward of *Scotland*, and all honors, castles, manors, lands, tenements, and hereditaments in *Scotland*, which now do, or hereafter shall appertain to the Queen's majesty, her heirs or successors, by force or virtue of any attainder, outlawry, seizure for any crime or cause of forfeiture, debt, or duty, or upon any extent, commission, or otherwise, or by force and virtue of the royal prerogative, or by any other right or title whatsoever, and all and every the rents, issues, and profits thereof, or of any of them, and also all and every the goods, chattels, debts, credits, rights, titles, and personal estate within *Scotland*, any ways accruing or belonging, or which hereafter shall belong to the Queen's majesty, her heirs and successors, by force or virtue of the royal prerogative, or of any attainder, outlawry, extent, inquisition, debt, duty, or forfeiture, or by any other right, title, ways, or means whatsoever, and all the remedies and means for the recovering the same, or the possession thereof, and all accounts relating thereto, and also all and every forfeitures and penalties which have been incurred, or shall or may incur or become any ways due and payable in *Scotland*, by force or virtue of any law or statute touching or relating to the customs or excise, or by force or virtue of any penal or other laws or statutes whatsoever, and also all fines, issues, forfeitures, or penalties, of what nature or kind soever happening, arising, or accruing to the Queen's majesty, her heirs or successors within *Scotland*, and all informations, actions, suits, or demands, and also all obligations, recognizances, specialties, and other securities, touching or concerning the before-mentioned matters and things, and all prosecutions, remedies, and accounts, for or concerning the same or other the premises, shall be within the jurisdiction and authority of the said court of *Exchequer* in *Scotland*, and hereby are annexed to the said court; and the barons of the said court for the time being shall have and exercise, and by virtue of this act are and shall be invested with all powers, authorities, and jurisdictions as well judicial as otherwise, for the hearing and determining of all actions, suits, and questions in law or equity, touching the aforesaid revenues, honors, castles, manors, lands, tenements, goods, chattels, debts, duties, forfeitures, penalties, profits, and all other matters or things herein before-mentioned, and annexed to the said court of *Exchequer* in *Scotland*, or the jurisdiction thereof; and that the said court of *Exchequer* in *Scotland*, shall and may act, do, and proceed therein and thereupon in every respect whatsoever, as by law, or as the court of *Exchequer* in *England*, by the constitution, ^{Power vested in the barons.} course,

course, or practice of or in the said court, hath been or is enabled, or hath used or practised to do in the like cases in *England*, and upon and in all such informations, actions, suits, or demands, or touching or concerning any the premisses, or any the proceedings thereupon, shall and may make all such orders and rules, and direct, award, and issue all such writs, precepts, process, and methods of proceedings, as hath or have been, is, are, or may be done or practised in the same or like cases in the court of *Exchequer* in *England*; all which informations, actions, suits, and prosecutions, process, and proceedings relating thereto, or to any the premisses shall be had, made, and done in the office of the remembrancer of the Queen's majesty, her heirs or successors, in the said court of *Exchequer* in *Scotland*; and the said barons of the court of *Exchequer* in *Scotland* are hereby authorized and required, in case of any neglect or default by any the plaintiffs or defendants in any the said informations, actions, or suits, or in any other informations, actions, or suits, which shall be commenced, sued, or prosecuted in the said court of *Exchequer* in *Scotland*, for any matter or cause whatsoever within the jurisdiction of the said court, to give and cause judgments to be entred against any the parties making default to plead or proceed to trial, and for recovery and condemnation of any goods, chattels, or other things seized as forfeited, and for which no claim shall be duly entred, and to give and cause judgments to be entred in cases of demurrers joined in any the said causes depending before them, and to do, act, and proceed in and about all and every the premisses, as fully to all intents and purposes, as the barons of the court of *Exchequer* in *England*, by law, or by the course and method of proceedings in that court, should or might, or could do, or order to be done in such or the like cases, matters, or things, in case the same were or should be depending in the said court of *Exchequer* in *England*, and upon any issues joined in any the said causes, or in any other causes triable in the said court upon matters of fact, or which would be triable or inquirable by juries (if the same were in *England*) the barons of the *Exchequer* in *Scotland*, are hereby authorized and required to cause the same to be tried, either at the bar of the said court, or elsewhere, at such times and places as shall be for that purpose by the court appointed, by a jury of twelve persons of that county, shire, city, or place in *Scotland*, where the said matters in issue to be tried did arise, or of such other county, shire, city, or place in *Scotland*, where the said court of *Exchequer* shall order or direct the same to be laid and tried; each of which jurymen shall at the time of such trial have and be seized in his own right, or right of his wife, of lands or tenements of an estate of inheritance, or for his or her life, within the county, shire, city or place from whence the jury is to come, of the yearly value of five pounds at the least, or shall be then worth in goods, chattels, and personal estate, the sum of two hundred pounds sterling at least, and for want thereof, or for any other just and reasonable cause, shall be subject to be challenged and

Causes triable
by juries.

set

set aside; and in all verdicts to be given by the juries the whole number of twelve must agree; and the said barons of the court of *Exchequer* in *Scotland*, and such of them before whom any such trials shall be, or shall be appointed to be, shall, by virtue of this act, have full power and authority to proceed to such trials, and to make, award, and issue all such orders, rules, writs, and other process, and do or cause to be done all other acts, matters, and things of what nature soever, as well in order to any such trials and notices for the same, as in, upon, and after the said trials, in every respect whatsoever, whether with relation to sheriffs and other officers, parties, jurors, witnesses, challenges, or other matters or proceedings in, about, or relating to any such trials, or the verdicts to be taken thereupon, or nonsuits therein, and have and execute as fully and amply, to all intents and purposes, all powers, authorities, and jurisdictions, relating to, or proper for any such trials, or the matters for which such trials shall or ought to be, in every respect whatsoever, and for awarding costs upon the account of any such trials, or for not proceeding to trial, and for awarding any new or other trials, as the barons of the court of *Exchequer* in *England*, or any of them, before whom any trials, either at the bar, or otherwise, have been or should have been by the laws of *England*, or by the constitution, power, or practice of the said court of *Exchequer* in *England*, or by virtue of any law or statute, commission or authority whatsoever, hath or have been, is or are enabled, or have used to make, do, or execute in or concerning any such or the like trials or cases in *England*, and after any such trials had, the said barons of the said court of *Exchequer* in *Scotland*, and the officers, attornies, and clerks in the said court, shall and are hereby enabled and required to give rules, and do all other things in order for judgments to be entered in the said court of *Exchequer* in *Scotland*, upon the records of trials at bar, and of the returns of records of *Nisi prius* in case of trials in the countries, as are, have been, or may be used or practised in like cases in the court of *Exchequer* in *England*; and the barons of the said court of *Exchequer* in *Scotland* may and shall proceed to give judgment according to the right of the causes, and to award executions upon such judgments, and to do and award all and every act, matter, and thing touching and relating to any such trials, judgments, or executions, as by law, or the rules, orders, or directions of the court of *Exchequer* in *England*, or by the laws or statutes in *England*, or hath or have been or ought to be used in such or the like cases.

VII. And it is hereby further enacted and declared by the authority aforesaid, That the said barons of the court of *Exchequer* in *Scotland*, or any one or more of them, either in court or out of court, shall have full power and authority to take all manner of recognizances and securities for debts, and that all obligations, recognizances, specialties, and other securities for any the revenues, rents, debts, duties, accounts, profits, or other things accruing, or which shall or may become due or accrue to the Queen's majesty, her heirs or successors, within *Scotland*, or which shall

Barons in or out of court, to take recognizances for debts, &c.

shall in any wise concern or relate thereto, or any the officers, ministers, or accountants thereof, or for the same, or which shall be taken in or by the order of the said court of Exchequer in *Scotland*, or upon any other account for the use or benefit of the crown, or for securing any the revenues, debts, or duties of the crown, shall be taken in the name of the Queen's majesty, her heirs and successors, and to be paid to the Queen's majesty, her heirs and successors, with other proper words, and with and under such conditions as shall be suitable to the matter for which they shall be taken, and shall have the full force and effect of any obligations, recognizances, and specialties, which have been or may be taken or acknowledged in the court of *Exchequer* in *England*, according to the purport, true intent and meaning of the statute in that behalf made in *England* in the three and thirtieth year of the reign of King *Henry* the Eighth, or any other law or statute, or any practice, custom, or usage in the court of *Exchequer* in *England*, or by virtue of the royal prerogative; and that all suits and prosecutions upon any the said obligations, recognizances, and specialties, or for any revenues, debts, or duties any ways due or payable to the Queen's majesty, her heirs and successors, within *Scotland*, shall be in the said court of *Exchequer* in *Scotland*, and her Majesty, her heirs and successors, shall be preferred and have preference in all suits and proceedings in the said court of *Exchequer* in *Scotland*, according to the said statute of the three and thirtieth year of King *Henry* the Eighth, and according to the usage, course, and practice of the court of *Exchequer* in *England*, and shall have and enjoy such and the same prerogatives, as well in and about pleadings, and in all other matters and things, as by any the laws in *England*, or course of *Exchequer* in *England*, have been, are or ought to be allowed; and as well the bodies, as the lands and tenements, debts, credits, and specialties, goods, chattels, and personal estate of all debtors or accountants to the crown, or their debtors in *Scotland*, shall be subject and liable, and shall and may be made subject and liable by extent, inquisition, and seizures, or by any other process, ways, or means, to the payment of such debts, duties, or revenues to the crown, and in such and the same manner and form, to all intents and purposes as hath been, or is used in the court of *Exchequer* in *England* in like cases.

33 H. 8. c. 39.

All suits and prosecutions, &c. thereupon to be in *Exchequer* court.

No debt, &c. to the crown in *Scotland*, to subject any real estate there, otherwise than by the laws of *Scotland*.

Barons, &c. to execute the powers here-by granted.

VIII. Provided nevertheless, That no debt or duty from any the debtors or accountants to the crown in *Scotland*, shall affect or subject any real estate in *Scotland*, of any such debtors or accountants, to the payment or satisfaction of any such debt or duty, further or otherwise, or in any other manner or form, than such real estate may or ought to be subject and liable there-to by the laws of *Scotland*, and that the laws of *Scotland* shall, in in all such cases, and for all such purposes, hold place and be observed; any thing in this act contained to the contrary notwithstanding: and for all the purposes in this act mentioned, the said court of *Exchequer* in *Scotland*, and the barons, and other officers thereof and therein, shall have, exercise, and put in

in execution within *Scotland*, all and every the powers, authorities, and jurisdictions, as to all matters and things whatsoever, arising or happening, or which have or shall arise and happen within *Scotland*, touching or concerning any the aforesaid revenues or duties of customs and excise, and other revenues, debts, or duties, obligations, securities, judgments, or specialties, or the recovery of the same, or of any other the premises, which the court of Exchequer in *England*, or the barons or officers thereof, by virtue of the said statute made in *England* in the said three and thirtieth year of the reign of King *Henry* the Eighth, or of any other statute made and in force in *England*, or by the constitution, course, or practice used in the court of Exchequer in *England*, have or ought to have performed or put in execution in *England*, as fully and amply, to all intents and purposes, as if the same powers, authorities, and jurisdiction were in this act particularly expressed and thereby enacted; yet so nevertheless, that nothing be done to make the real estate in *Scotland* of any debtor or accountant to the crown there, subject or liable to the payment of any debts or duties to the crown, farther or otherwise than they may or ought to be by the laws of *Scotland*, according to the purport of the proviso last herein before-mentioned; and the barons of the said court of Exchequer in *Scotland*, shall and may act and do in respect to any the parties in law or equity to any action, information, suit, or prosecution in the said court of Exchequer in *Scotland*, in such cases, sort, and manner, as by any the laws or statutes in *England*, or the use and practice of the court of Exchequer there, touching the awarding of costs, and issuing process and execution for the same, hath or have used to be done.

IX. And be it further enacted by the authority aforesaid, That All statutes in the several statutes in *England* of jeofails, and for amendments, England of jeofails, &c. shall extend to all such actions, informations, and suits, to be to extend to all actions brought in the court of Exchequer in *Scotland*, for the recovery of any debt, duty or revenue due to the crown, as fully and brought in court of Exchequer in *Scotland*, &c. amply, to all intents and purposes, as they do or ought to extend to the court of Exchequer in *England*, or any causes or proceedings therein in such or the like cases; and that in the said court of Exchequer in *Scotland*, there shall be kept and observed Four terms to be kept every year. four terms in every year, whereof one of them shall be called *Martinmas Term*, and shall yearly commence upon the third day of *November*, and end on the twenty ninth day of *November*; and another of them shall be called by the name of *Candlemas Term*, and shall yearly commence upon the twenty third day of *January*, and end upon the twelfth day of *February* yearly; and another of them shall be called by the name of *Whitsuntide Term*, and shall yearly commence upon the twenty fifth day of *May*, and shall end on the fifteenth day of *June* following; and the fourth of them shall be called by the name of *Lammas Term*, and shall yearly commence on the twentieth day of *July*, and shall end on the eighth day of *August* following; and if any of the said days on which any of the said terms shall begin or end, shall happen to be a *Sunday*, then such term respectively shall be- gin

During which, barons to hear and determine causes, &c.

gin or end the next day following; in and during which terms the barons of the said court shall sit therein, and hear and determine the business, causes, matters, and things depending, or which shall, may, or ought to be prosecuted in the said court either in law or equity, or which shall or may concern the revenues, debts, duties, matters, or things within the jurisdiction of the said court, and that either with or without any adjournment to or for any time or place; and that the said barons shall and may order and appoint the days and times for the returns of writs or process issuing out of, and returnable in the said court and set and impose upon all such sheriffs and other officers and persons, bodies politic or corporate, to whom the execution of such writs or process do or shall appertain, such issues, fines, amerciaments, and penalties, as to the said court shall seem fit and reasonable; and the said barons in court, or any of them out of court, shall take bails, recognizances, and other securities, informations, bills, answers, and affidavits, and take and declare accounts, and do and execute all matters and things relating to the business or jurisdiction of the said court, as fully to all intents and purposes as the barons of the Exchequer in *England*, or any of them, have or do use in such or the like cases in or out of court there; and the barons of the court of Exchequer in *Scotland*, are hereby also authorized and enabled to hold plea in equity by *English* bill, petition, or suit to be brought or exhibited in the said court by or against the attorney or advocate general of the Queen's majesty, her heirs and successors, on her or their behalf, or for her or their interest, or by or against any other person or persons any ways concerned in or about any the revenues, debts, or duties, before-mentioned, touching the said revenues, debts, or duties, for any discovery or relief in equity; and in and upon such bills, petitions, and suits, the said court of Exchequer shall and are hereby enabled to issue and award process of *Subpœna* or *Distingas*, and all other usual and proper process for compelling the parties defendants to or in such suits, to put in their answers, and make their defences to such bills, petitions, or suits, and for the parties to such suits to proceed therein and thereupon, according to such rules or orders, and in such manner and form as the court of Exchequer in *England* hath used to proceed by; and upon issues joined in any the said causes or suits in equity, the court of Exchequer in *Scotland* is to cause witnesses to be examined (if desired on either side) by commissions to be awarded for that purpose, or by sworn examiners, and after publication of the depositions of the witnesses, to proceed to the hearing of the said causes, and upon the proofs and evidence therein or thereupon, or upon bill and answer where no witnesses shall be examined or proofs made, to make such orders and decrees either for the relief of plaintiffs, or for directing any issue or issues at law to be tried for the information of the conscience of the court, or for dismissing of the said plaintiffs bills, or otherwise, as to the said court shall seem just and reasonable, and as is or hath been used in the court of Exchequer

And appoint days and times for returns of writs.

And take bails, &c.

And hold plea in equity by English bill, &c.

And award process thereon.

And make orders and decrees.

chequer in *England*; save only that all issues at law directed, as aforesaid, for the information of the conscience of the court, shall be and are hereby ordered to be made up and proceeded upon in the said Queen's remembrancer's office in *Scotland*, in such manner as such issues are used to be made up and proceeded upon in the office of pleas in the court of Exchequer in *England*; and the said court shall award such process for the enforcing any of the parties to such suits to perform and yield obedience to such orders or decrees as shall be made in the said causes, and in case of non-performance thereof, or disobedience thereunto, the said court shall award all such process of contempt against the persons and estates of him, her, or them that shall be in contempt, or refuse obedience to any the said orders or decrees, as hath been used and practised in like cases, in or by the court of Exchequer in *England*, and make and execute like process, orders, and proceedings thereupon, as are used in the court of Exchequer in *England* in like cases.

X. And be it further enacted by the authority aforesaid, That the barons of the court of Exchequer in *Scotland*, and all and every the officers and members of the said court of Exchequer, shall be entitled to, and have and enjoy such and the same privileges and immunities, as the members of the college of justice have and enjoy by the law, custom, and practice in *Scotland*, excepting only that they may be pursued in justice before the lords of session for causes not competent to the court of Exchequer.

Barons to enjoy the same privileges as members of the college of justice, &c.

XI. And be it further enacted by the authority aforesaid, That all the officers and persons employed or to be employed in or about the collecting, receiving, managing, paying, answering, or accounting for any the revenues or duties of customs or excise, or other crown revenues, debts, or duties in *Scotland*, shall be under and subject to the rules, orders, directions, authority, power, and jurisdiction of the said court of Exchequer in *Scotland*, in all things touching the said revenues, debts, duties, or accounts, and touching the collecting, ordering, and management thereof, and the paying and answering the same, and concerning any securities to be given, or oaths to be taken relative thereto, which are not or shall not be contrary to, or inconsistent with the commands, orders, and directions in force, of or from the Queen's majesty, her heirs or successors, or of or from the lord high treasurer of *Great Britain*, or the lords commissioners of the treasury in *Great Britain* for the time being; and that all and every such person and persons, as is, or are, or shall be appointed under the aforesaid seal, which by the articles of union is appointed to be kept in *Scotland*, to be the auditor or auditors of the said revenues of customs or excise, or other crown revenues or duties whatsoever in *Scotland*, or any part thereof, shall take the same, or like oath, *mutatis mutandis*, for the due execution of his or their office or offices, before the barons of the said court of Exchequer in *Scotland*, as any auditor of any the crown revenues in *England* hath or have used or ought to take; and such auditor or auditors shall have the taking

All officers of the revenues in *Scotland*, to be subject to the jurisdiction of the court of Exchequer.

Auditors of the revenues to take the same oath as auditors in *England*.

And have the making up of the accounts, &c.

ing and making up all the said accounts, which being sworn to by the respective accountants as to the truth thereof, and allowed and declared by and before the said court of Exchequer in *Scotland*, or before the chief baron, or some other of the barons of the said court of Exchequer, the same shall be examined, entered, and enrolled in the offices of remembrancer of the Queen's majesty, her heirs and successors, and particulars and vouchers of such account, contained in a bag for that purpose, shall be there left, and such account shall be also entered in the office of the lord treasurer's remembrancer, in such and the like manner as is and hath been used in the like offices in *England*, and then shall be delivered into the pipe office in the court of Exchequer in *Scotland*; and the clerk of the pipe or chief officer in that office, or his deputy (in case that office shall be executed by deputy) shall cause the said accounts to be examined, and if found true, to be entered and inrolled in the said office, and shall make and give a *quietus* or discharge to the accountant thereupon, which shall be a discharge to and for such accountant, as to all the revenues, duties, matters, and things therein, and thereby accounted for, paid, and answered; and if any supers or arrears shall be set upon the accountant, or any other person or persons, bodies politick or corporate, by or upon the said account, the court of Exchequer in *Scotland* shall award all proper and effectual process to be made and issued out of such one of the two remembrancers offices, as the court shall direct, for the speedy accounting for levying and receiving of all such supers and arrears, and answering the same to the use of the crown, in such sort and manner as in like cases may by law be done, or hath been used, in the court of Exchequer in *England*.

Party to any judgment given in court of Exchequer, may bring a writ of error upon such judgment returnable in parliament, &c.

XII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, bodies politick or corporate, party or parties to any judgment which shall be given in the said court of Exchequer in *Scotland*, his, her, or their heirs, executors, or administrators, or such other person or persons, bodies politick or corporate, who shall be privy to, and affected by such judgment, and who by law is or are entitled to bring and maintain a writ or writs of error thereupon, to sue and prosecute out of the court of Chancery in *England* a writ or writs of error, to be made in usual manner upon any such judgment, returnable in the parliament of *Great Britain*, and such and the like securities, matters, and things, way and method of proceedings, shall and may be had therein and thereupon, and relating thereunto, as have been, are, or may be used and practised upon, or concerning writs of error returnable in parliament, upon any judgment in any the courts in *England*, and upon or relating to the affirming or reversal of such judgments, and the proceedings thereupon in like cases; and every person or persons, against whom any orders or decrees in *English* causes shall be made in the said court of Exchequer in *Scotland*, shall and may have and pursue such and the like relief and redress therein, as any person or persons, against whom any orders or decrees in the court of Exchequer

Exchequer in *England* have been or shall be made, may have and pursue in like cases.

XIII. Provided also, That the lord high treasurer of *Great Britain* for the time being shall have and exercise all such powers, authorities, and jurisdictions, about or relating to any the revenues or duties of custom and excise, and other the crown revenues, duties, or treasure within *Scotland*, and the getting in, paying, issuing, and accounting for the same, or any part thereof, as fully and amply, to all intents and purposes, as the lord high treasurer of *Great Britain* for the time being, by virtue of such his office, hath, or may, or can have or exercise about or concerning any the crown revenues, debts, or duties in *England*; any thing herein contained to the contrary in any wise notwithstanding.

Lord treasurer to have the same powers relating to the revenues, &c. of *Scotland*, as he hath relating to those of *England*.

XIV. Provided also, and be it enacted by the authority aforesaid, That all and all manner of fines, issues, americiaments, forfeited recognizances, or penalties, and other forfeitures, of what nature or kind soever, which shall or may be set, imposed by, or incurred, or become forfeited in the said court of *Exchequer* in *Scotland*, shall be levied by the authority and process of the said court, and paid and answered to the use of her Majesty, her heirs and successors, although the persons or their lands or tenements, goods, or chattels, liable to the same fines, issues, americiaments, penalties, or forfeitures be or remain in any part of *Scotland* whatsoever.

How all fines, issues, &c. shall be levied and paid.

XV. Provided nevertheless, That in case any person or persons, bodies polittick or corporate, his, her, or their heirs, successors, executors, or administrators, shall alledge, plead, declare, or shew in the said court of *Exchequer* in *Scotland*, good, perfect, sufficient cause and matter in law, reason, or good conscience, in bar or discharge of any fines, issues, americiaments, forfeited recognizances, or any other forfeitures, debts, or duties due or payable to the crown, or why such person or persons ought not to be charged or chargeable to or with the same, and the same cause and matter so alledged, pleaded, declared, or shewed, sufficiently proved in the said court of *Exchequer* in *Scotland*, That then the said court shall have full power and authority to accept, adjudge, and allow the same, and wholly and clearly to acquit and discharge all and every the said persons, which shall be impleaded or sued for the same, or to make and take any fitting and reasonable composition for the same, as in the judgments and discretions of the barons of the said court of *Exchequer*, upon hearing of the attorney or advocate general, or other learned counsel of her Majesty, her heirs and successors, shall be found and thought just and reasonable, and to proceed and act therein, and give discharges thereupon, in such sort and manner as hath been and is used and practised in the like cases in and by the court of *Exchequer* in *England*; any thing herein contained to the contrary notwithstanding.

Persons shewing good cause in court, in bar of any fines, &c. payable to the crown, court to allow the same, &c.

XVI. And be it further enacted by the authority aforesaid, That the barons of the court of *Exchequer* in *Scotland*, shall have full

Barons to pass sheriffs accounts,

and charge
and discharge
them, &c.

Acts of parliament made in England, concerning customs or subsidies there, or excise, &c. not contrary to the articles of union to extend to Scotland,

and cognizable in the court of Exchequer.

Queen to appoint what further places, ports, &c. in Scotland, shall be lawful for landing or shipping goods.

full power and authority, by virtue of this act, to take and pass the accounts of all sheriffs, and other officers in *Scotland*, who have or shall have the execution of any the process issuing out of and returnable in the said court of *Exchequer*, for the levying of any revenue or money for the crown, and to charge and discharge them according to right and justice, and that in such manner and form, as the said sheriffs and officers before the said union were used to be charged and discharged, and to have their accounts passed, or as the barons of the said court of *Exchequer* shall order, direct, or appoint.

XVII. And be it further enacted by the authority aforesaid, That all and every act and acts of parliament made in *England*, and in force there, touching and concerning any customs or subsidies there, and also all and every act and acts of parliament made in *England*, and now in force, touching and concerning any excises there, and all and every the authorities, powers, jurisdictions, qualifications of officers and seizers, directions for navigation, and for carrying goods coastwise, forfeitures, penalties, duties, and the ways and means for the recovering of them, or any of them, and all other matters and things in them, or any of them contained, which are not contrary to or inconsistent with the aforesaid articles of the union of the two kingdoms of *England* and *Scotland*, or any of them, shall extend to *Scotland*, and shall and may be cognoscible in, and put in execution by the court of *Exchequer* in *Scotland*, as to all matters and things happening or arising in *Scotland*, as fully and amply, to all intents and purposes, as the same, or any of them, do extend, or may, or might be put in execution, as to any matters or things touching and concerning customs and excises, or any other the matters or things aforesaid, happening or arising in *England*; and all offences and offenders in any the said matters, shall and may be sued and prosecuted for the same in the said court of *Exchequer* in *Scotland*; and the merchants and other persons entitled to any benefits, allowances, advantages, or remedies touching or concerning any the said customs or excises in *Scotland*, shall have and enjoy the same in *Scotland*, as fully and amply, to all intents and purposes, as they may or might if the same were or arose in *England*; and the officers of the customs and excise in *Scotland* are required to make and allow the same accordingly; and the barons of the court of *Exchequer* in *Scotland* are required and enabled to cause right to be done by and to all persons concerned therein.

XVIII. And for the better and more effectual ascertaining the ports, members, creeks, and havens in *Scotland*, where goods and merchandizes have been or may be exported and imported, and the several keys, wharfs, and other places where the same may be put on board any ship or vessel for transportation, or be unshipt or unladen upon importation; be it further enacted by the authority aforesaid, That the Queen's majesty, her heirs and successors, shall and may, from time to time, by commission or commissions out of the court of *Exchequer* in *Scotland*, assign and appoint

appoint all such further places, ports, members, and creeks in *Scotland*, as shall be lawful for the landing and discharging, lading, or shipping of any goods, wares, or merchandizes in *Scotland*, and to what ancient and head ports respectively such places, members, or creeks shall respectively appertain; and where any such place, member, or creek shall be so appointed, as aforesaid, the customer, collector, comptroller, and searcher of the head port; shall by themselves, or their sufficient deputy or deputies, servant or servants, reside and inhabit, for the entering, clearing and passing, shipping and discharging of ships, goods, and merchandize, and by virtue of the said commission or commissions may likewise set down and appoint the extents, bounds, and limits of every port, haven, or creek in *Scotland*, whereby the extents, limits, and privileges of every port, haven, or creek in *Scotland* may be ascertained and known; after which appointment so made, the said ports, members, and creeks so appointed, shall be observed and used for importation and exportation, in the same manner, and subject to and under such orders and regulations, and to the same effect, as the like ports, creeks, and members appointed in *England* for exportation or importation there, are or ought to be by the laws of *England*.

Officers of
customs to re-
side at such
places.

XIX. And whereas by the aforesaid recited article of the treaty of *Union* it is provided, That the court of Exchequer in *Scotland* have power of passing signatures, gifts, tutories, and in other things as the court of Exchequer in *Scotland* at the time of the said treaty had; be it therefore enacted by the authority aforesaid, That the court of Exchequer in *Scotland* shall have power to receive resignations in her Majesty's name of all baronies, lands, lordships, tithes, jurisdictions, offices, and all other rights which were in use to be resigned and received in her Majesty's name in the Exchequer, at the time of the said treaty; and that signatures, gifts, tutories, and other things which were presented, revised, and compounded, or which were passed or given by the lord high treasurer, or commissioners of the treasury, or court of Exchequer there at the time of the said treaty, shall be given in, resigned, presented, revised, compounded, and expedited as formerly, with this alteration only, That the presenter of signatures shall present the said signatures, gifts, tutories, and other things to the said chief baron and barons of the Exchequer in *Scotland*, who are hereby authorized and empowered to revise and compound the same, in the same manner, and with the same powers as the said lord high treasurer or commissioners of treasury of *Scotland* might have done, and thereafter in a court of Exchequer, to hear parties concerned, and to pass all such signatures, gifts, tutories, and other things aforesaid, and especially to declare and appoint fines, as the court of Exchequer might have done at the time of the said treaty, and such signatures, gifts, tutories, and other things aforesaid being passed in the Exchequer, shall be recorded by the proper clerks and thereafter be expedited at the proper seals, as at the time of the said treaty by the law and practice of *Scotland* was required: reserving ne-

Court impow-
er'd to receive
resignations
of baronies,
lands, &c.
which were in
use to be re-
signed, &c. in
the court of
Exchequer.

vertheless full power to her Majesty, her heirs and successors, to receive resignations immediately in her or their royal hands, and to grant all signatures, gifts, and other things, in the same manner as her Majesty could have done at the time of the aforesaid treaty.

English counsellors, &c. may plead in Exchequer court in Scotland.

XX. And be it further enacted by the authority aforesaid, That all barristers at law, advocates or counsellors, who may plead and practise before the court of *Exchequer* in *England*, or before the court of session in *Scotland*, have and shall have right and privilege to plead and practise before the said court of *Exchequer* in *Scotland*.

How offices for life shall be enjoyed.

XXI. Provided always, and be it enacted, That the two principal clerks of *Exchequer* in *Scotland*, and other officers in that court, who have grants of their offices during life, or of inheritance, shall enjoy their offices according to the nature of their gifts, except in so far as these offices are inconsistent with the constitution of *Exchequer*, as the same is settled by this act; in which case, be it enacted by the authority aforesaid, That any person having right to any such office, shall be provided in one or other of the offices established by this act, equal in value to what they now enjoy, to hold for life, or in fee respectively, or have some other equivalent recompence for the loss of such office.

Crown title to lands, &c. to be tried by court of session.

XXII. Provided always, That the validity or invalidity and preference of the title of the crown, to any honors, manors, lands, tenements, or hereditaments, or to casualties belonging to the crown, shall continue to be tried and decided in the court of session as was used, and of right ought to have been by the law and practice of *Scotland*, at the time of the union, and not otherwise; any thing in this act contained to the contrary notwithstanding.

Table of officers fees to be hung up in Exchequer court.

XXIII. And be it further enacted by the authority aforesaid, That no officer, minister, clerk, or other person employed in the said court of *Exchequer* in *Scotland*, shall ask, demand, receive, or take from any of her Majesty's subjects, or from any other person or persons whatsoever, any greater or other fee, reward, profit, advantage, matter, or thing whatsoever, for or in respect of any business, matter, or thing transacted, dispatched, made, or done in the said court of *Exchequer*, than such only as shall be settled and allowed by the barons of the said court of *Exchequer*, or any three or more of them (whereof the chief baron to be one) under their hands: which fees or allowances shall be contained in a table to be hung up in the most publick and visible place of the said court of *Exchequer*, and to which any of her Majesty's subjects, or others, may have free liberty to resort, and to have a view and perusal thereof, without fee or reward; and each of the masters or chief officers in the offices of Queen's remembrancer, lord treasurer's remembrancer, clerk of the pipe, and clerk of the pleas, and auditor, shall take care, that a table of the fees and allowances relating to their respective offices and places and business therein transacted, and so allowed

Like tables to be hung up in remembrancers offices, &c.

allowed and signed, as aforesaid, shall be hung up in some publick and visible place in their said respective offices, to which any of her Majesty's subjects, or others, may have free liberty to resort, and to have a view and perusal thereof, without fee or reward; and if any person or persons shall offend in any the premises, the barons of the said court of *Exchequer*, upon complaint thereof to them made in that behalf, shall cause right to be done to the party complaining, and to punish the offenders by fine, suspension, or deprivation of office, or as to them shall seem just and reasonable, and to recompense the complainer with costs in that behalf.

Penalty on offenders.

XXIV. And be it further enacted by the authority aforesaid, That the number of the said barons of her Majesty's said court of *Exchequer* in *Scotland*, shall not at any time exceed the number of five.

Number of barons not to exceed five.

C A P. XXVII.

An act to enlarge the time for returning the certificates of all ecclesiastical livings, not exceeding the yearly value of fifty pounds, as also for discharging all livings of that value from the payment of first-fruits; and for allowing time to archbishops and bishops, and other dignitaries, for payment of their first-fruits.

WHEREAS by an act made in the fifth year of the reign of her present Majesty, intituled, An act for discharging small livings from their first-fruits and tenths, and all arrears thereof, it is provided, That the said act, or any thing therein contained, shall not extend to discharge any benefices with cure of souls, the tenths whereof were granted away by any of her Majesty's predecessors to any person or persons, bodies politick and corporate, in perpetuity, before the third day of November in the third year of her Majesty's reign; which clause was intended only to save the rights of such persons who had grants of tenths from the crown before the said third day of November, and not otherwise: but forasmuch as the first-fruits of the aforesaid benefices with cure of souls, the tenths whereof were so granted, as aforesaid, were notwithstanding the said grants, reserved to the crown, and are now granted by her Majesty to the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, and their successors: and forasmuch as the discharging of the first-fruits and arrears thereof of small livings, the tenths of which are not vested in the said governors, will be a present proper augmentation of the same; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all ecclesiastical benefices with cure of souls, not exceeding the clear yearly value of fifty pounds by the improved valuations of the same, the tenths whereof are not vested in the corporation of the said governors, and the incumbeants thereof for the time being, and every of them, their

5 Annæ, c. 24.

Enforced by
1 Geo. 1. stat.
2. c. 10.

All ecclesiastical benefices not exceeding 50 l. per. ann &c.

Discharged for ever from first-fruits, &c. respective heirs, executors, administrators, successors, and sureties, shall be free and clearly discharged and acquitted for ever of and from the said first-fruits, and of and from all arrears of the same; any thing in the aforesaid act to the contrary notwithstanding: and the ascertaining of the clear improved yearly valuations of the said ecclesiastical benefices with the cure of souls, hereby intended to be discharged from the payment of first-fruits, shall be by the same persons, and in the same manner and form, as for other livings mentioned in the said act.

Certificates of valuation to be made before 24 Dec. 1708.

II. Provided nevertheless, That the certificates by the proper ordinaries into her Majesty's court of *Exchequer* at *Westminster*, of the yearly valuation of such livings intended by this act to be discharged from the payment of first-fruits, may be made at any time before the twenty fourth day of *December*, which shall be in the year of our Lord one thousand seven hundred and eight; any thing herein to the contrary notwithstanding.

Not made by 25 March, 1708. may be made by 24 Dec. ensuing.

III. *And whereas by the said act of parliament made in the said fifth year of her Majesty's reign, the time limited for certifying into the court of Exchequer the valuation of such livings intended by the said act to be discharged from the payment of first-fruits and tenths, is found not sufficient with respect to some dioceses and places; be it therefore enacted by the authority aforesaid, That such certificates which shall be made into the said court of Exchequer, of the yearly valuation of such livings intended to be discharged from the payment of first-fruits and tenths by the said act of parliament, at any time before the said twenty fourth day of December, which shall be in the year of our Lord one thousand seven hundred and eight, shall be as good and effectual for the purposes by the said act intended, as if the same were made and certified on or before the twenty fifth day of March, one thousand seven hundred and eight; any thing in this or the said act to the contrary thereof notwithstanding.*

Act to be a publick act.

IV. And be it further enacted and declared by the authority aforesaid, That this act shall be taken and accepted in all courts and places whatsoever as a publick act.

V. *And whereas it has been usual for the Kings and Queens of England, by their letters of privy seal, to allow the archbishops and bishops four years time for the payment of their first-fruits to the crown, by way of installment, which since her Majesty has been graciously pleased to give the first-fruits and tenths for the maintenance of the poor clergy, cannot now be done: and whereas the first-fruits of archbishopsricks and bishopsricks amount to near the full annual value thereof, and the other charges of coming into archbishopsricks and bishopsricks are very great: and whereas archbishops and bishops have not the profits of their bishopsricks from the death of their predecessors, as rectors and vicars have, but from the time that such bishopsricks are conferred upon them: and whereas no provision has been made for any abatements of the first-fruits of archbishops or bishops, as there is for rectors and vicars, in case of death or removal, within the times allowed for the payment of such first-fruits; be it enacted by the authority aforesaid, That every archbishop and bishop shall have*

Four years allowed to

have four years allowed him, when he or they shall compound for the same, for the payment of his first-fruits, which shall commence from the time of restitution of his temporalties; and that in every year he shall pay one fourth part of the whole sum: and if it shall please God he shall die, or be removed, before the full term of four years shall be expired, he, his heirs, executors, or administrators, shall be discharged of so much as did not become due or payable at or before the time or times of his death or removal, in like manner as the heirs, executors, and administrators of rectors and vicars are authorized to do.

archbishops and bishops to pay their first-fruits.

Proviso in case of death.

VI. And be it further enacted by the authority aforesaid, That all deans, archdeacons, prebendaries, and other dignitaries, shall compound for their respective first-fruits, in such manner and form as rectors and vicars have been accustomed to do; and in case of death or removal within the time usually allowed to rectors and vicars for payment of their said first-fruits, they the said deans, archdeacons, prebendaries, and other dignitaries, shall be in the like condition, and have the same benefit as is allowed to rectors and vicars by the statute made in the first year of the reign of the late Queen Elizabeth, intituled, *An act for the restitution of the first-fruits to the crown.*

Deans, archdeacons, &c. to compound for first-fruits in same manner, as rectors, vicars, &c. 1 Eliz. c. 4.

C A P. XXVIII.

An act for continuing the act for ascertaining the tythes of hemp and flax.

WHEREAS an act of parliament made in the eleventh and twelfth years of the reign of his late majesty King William the Third, of glorious memory, intituled, *An act for the better ascertaining the tythes of hemp and flax, was to continue from the five and twentieth day of March, which was in the year of our Lord one thousand seven hundred, and from thence to the end of the next session of parliament: and whereas the said act hath by experience been found to be very useful and necessary to this kingdom; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act shall be continued, and be in force from the five and twentieth day of March, which shall be in the year of our Lord one thousand seven hundred and eight, for seven years, and from thence to the end of the next session of parliament, and no longer.*

11 & 12 W. 3. c. 16. made perpetual by 1 Geo. 1. c. 26.

Continued for 7 years.

C A P. XXIX.

An act to repeal a clause in an act of the seventh year of the reign of his late Majesty (for amending and repairing the highways) which enjoins waggoners and others to draw with a pole between the wheel horses, or with double shafts, and to oblige them to draw only with six horses or other beasts, except up hills.

7 & 3 W. 3.
C. 29.

WHEREAS by an act made in the seventh and eighth years of the reign of his late majesty King William the Third, of glorious memory, intuled, An act for the better amending and repairing the highways, and explanation of the laws relating thereunto, it is enacted, That all horses or oxen drawing any travelling waggon, wain, cart, or carriage, wherein any burdens, goods, or wares are or shall be carried or drawn for hire, shall draw in pairs with a pole between the wheel horses, or in double shafts, and the other horses to draw in a line with the wheel horse or oxen, in the same manner as they usually draw in coaches, under the penalty of forty shillings for every offence; two third parts thereof to be to the use of the highways, and the other third part to the informer: and whereas the aforesaid manner of drawing with a pole between the wheel horses, or in double shafts, as by the said act is directed, has by experience been found altogether impracticable in many parts of this kingdom, notwithstanding which many of her Majesty's poor subjects, waggoners, and carriers, are perpetually harrassed by common informers, and their teams often seized for payment of the forfeitures in the said act mentioned, to the ruin of the said waggoners and carriers, and to the great damage of the owners of the goods, wares, and merchandizes conveyed in such waggons, wains, and carriages by the delays in their journies, occasioned by such common informers: for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said recited act, as is herein before mentioned, shall be, and from henceforth shall stand absolutely repealed, and is hereby repealed.

Manner of drawing waggons with a pole, found impracticable.

Clause in the said act repealed.

Suits depending for forfeitures, &c. discharged.

All seizures null and void.

II. And be it further enacted by the authority aforesaid, That all seizures and suits now depending in any of her Majesty's courts at law, or which shall at any time hereafter be seized, brought, or prosecuted upon the said clause in the said recited act, under pretence of any seizure or forfeiture, or penalty incurred for breach of the said clause in the said act, or for any offence committed, or supposed to be committed against the same, shall be, and are hereby declared to be discharged, discontinued, and determined; and that all seizures upon the said clause in the said recited act, made or to be made, are hereby declared to be discharged, released, null and void.

III. And be it further enacted by the authority aforesaid, That

That from and after the four and twentieth day of *June*, one thousand seven hundred and eight, no travelling waggon, wain, cart, or carriage, wherein any burdens, goods, or wares shall be carried or drawn, other than such carts and carriages, as are or shall be employed in and about husbandry and manuring of land, and in the carrying of hay, straw, corn, coal, chalk, timber for shipping, materials for building, stones of all sorts, or such ammunition or artillery as shall be for the service of her Majesty, her heirs or successors, shall at any one time travel, be drawn, or go in any common or publick highway or road with above six horses, oxen, or beasts, upon pain that every owner of every such waggon, wain, cart, or carriage, shall forfeit for every such offence the sum of five pounds; one moiety whereof shall be to the surveyors of the highways of the town, village, hamlet, or place where any of the said offences shall be committed, the other moiety thereof to him that shall discover and prosecute for any of the said offences (provided such discoverer or prosecutor be an inhabitant of such town, village, or place) the said penalty to be levied by distress of all or any of the said horses, oxen, or beasts, by warrant under the hand and seal of one justice of the peace; and in case the said penalties be not paid within three days after, that then it shall be lawful to and for the said person and persons so distraining, as aforesaid, to sell the same, and to restore the overplus to the owner, the charges of keeping and selling being first deducted; and if any such surveyor shall wilfully suffer any such waggon, wain, or carriage to be drawn with more than six horses, and shall neglect to put this or any former laws made for repairing the highways in execution, shall forfeit five pounds, to be divided and recovered, as aforesaid.

IV. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to restrain or hinder any owner or owners of such travelling waggon, wain, cart, or carriage, or his or their servants, using or drawing with as many horses or beasts as shall be necessary for the drawing such waggons, wains, carts, or carriages up any hills, as the justices of the peace of the respective counties, ridings, divisions, and places, where such hills lie, shall at their quarter sessions, from time to time, order and direct, which said order and direction shall be carefully kept by the respective clerks of the peace, amongst the records of the sessions, to which all persons, at reasonable times, shall have recourse, without fee or reward, without incurring any forfeitures or penalties herein before-mentioned; any thing in this, or any other act to the contrary in any wise notwithstanding.

From 24 June, 1708, no waggon, &c. to be drawn with above 6 horses.
Altered by 1 Geo. 1. stat. 2. c. 11.

Exception.

See 5 Geo. 1. c. 12. s. 1.
18 Geo. 2. c. 33.
On penalty of 5l.

By 9 Anne, c. 18. s. 1.
Any person may seize the horses, &c.
To be levied by distress and sale.

Not to hinder using as many horses for drawing up hills, &c. as justices shall direct.
This clause repealed by 9 Anne, c. 18. s. 4.

CAP. XXX.

An act for ascertaining the rates of foreign coins in her Majesty's plantations in America.

WHEREAS for remedying the inconveniencies which had arisen from the different rates at which the same species of foreign silver coins did pass in her Majesty's several colonies and plantations in America, her most excellent Majesty has thought fit by her royal proclamation, bearing date the eighteenth day of June, one thousand seven hundred and four, and in the third year of her reign, to settle and ascertain the currency of foreign coins in her said colonies and plantations, in the manner and words following.

Proclamation
for ascertaining
the cur-
rency of fo-
reign coins in
America.

WE having had under our consideration the different rates at which the same species of foreign coins do pass in our several colonies and plantations in America, and the inconveniencies thereof, by the indirect practice of drawing the money from one plantation to another, to the great prejudice of the trade of our subjects; and being sensible that the same cannot be otherwise remedied, than by reducing of all foreign coins to the same current rate within all our dominions in America; and the principal officers of our mint having laid before us a table of the value of the several foreign coins which usually pass in payments in our said plantations, according to their weight, and the assays made of them in our mint, thereby shewing the just proportion which each coin ought to have to the other, which is as followeth, viz. Sevil pieces of eight, old plate, seventeen penny-weight twelve grains, four shillings and six pence; Sevil pieces of eight, new plate, fourteen penny-weight, three shillings, seven pence, one farthing; Mexico pieces of eight, seventeen penny-weight twelve grains, four shillings and six pence; Pillar pieces of eight, seventeen penny-weight twelve grains, four shillings and six pence three farthings; Peru pieces of eight, old plate, seventeen penny-weight twelve grains, four shillings and five pence, or thereabouts; cross dollars, eighteen penny-weight, four shillings and four pence three farthings; ducatoons of Flanders, twenty penny-weight and twenty one grains, five shillings and six pence; ecu's of France, or silver Lewis, seventeen penny-weight twelve grains, four shillings and six pence; crusadoes of Portugal, eleven penny-weight four grains, two shillings and ten pence one farthing; three gilder pieces of Holland, twenty penny-weight and seven grains, five shillings and two pence one farthing; old rix dollars of the empire, eighteen penny-weight and ten grains, four shillings and six pence; the halfs, quarters, and other parts in proportion to their denomination, and light pieces in proportion to their weight: we have therefore thought fit for remedying the said inconveniencies, by the advice of our council, to publish and declare, That from and after the first day of January next ensuing the date hereof, no Sevil, Pillar, or Mexico pieces of eight, though of the full weight of seventeen penny-weight and an half, shall be accounted, received, taken, or paid within any of our said

colonies or plantations, as well those under proprietors and charters, as under our immediate commission and government, at above the rate of six shillings per piece current money, for the discharge of any contracts or bargains to be made after the said first day of January next, the halves, quarters, and other lesser pieces of the same coins to be accounted, received, taken, or paid in the same proportion; and the currency of all pieces of eight of Peru, dollars, and other foreign species of silver coins, whether of the same or baser alloy, shall, after the said first day of January next, stand regulated, according to their weight and fineness, according and in proportion to the rate before limited and set for the pieces of eight of Sevil, Pillar, and Mexico; so that no foreign silver coin of any sort be permitted to exceed the same proportion upon any account whatsoever; and we do hereby require and command all our governors, lieutenant governors, magistrates, officers, and all other our good subjects, within our said colonies and plantations, to observe and obey our directions herein, as they tender our displeasure.

II. And whereas notwithstanding the said proclamation, the same indirect practices as are therein mentioned, are still carried on within some of the said colonies or plantations, and the money thereby drawn from one plantation to another, in prejudice of the trade of her Majesty's subjects; wherefore for the better enforcing the due execution of her Majesty's said proclamation throughout all the said colonies and plantations, and for the more effectual remedying the said inconveniencies thereby intended to be remedied, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person within any of the said colonies or plantations, as well those under proprietors and charters, as under her Majesty's immediate commission and government, shall after the first day of May, which shall be in the year of our Lord one thousand seven hundred and nine, for the discharge of any contracts or bargains to be thereafter made, account, receive, take, or pay any of the several species of foreign silver coins mentioned in the before recited proclamation, at any greater or higher rate than at which the same is thereby regulated, settled, and allowed, to be accounted, received, taken, or paid, every such person so accounting, receiving, taking, or paying the same contrary to the directions therein contained, shall suffer six months imprisonment, without bail or mainprize; any law, custom, or usage in any of the said colonies or plantations to the contrary hereof in any wise notwithstanding; and shall likewise forfeit the sum of ten pounds for every such offence; one moiety thereof to her Majesty, her heirs and successors; the other moiety to such person or persons as shall sue for the same, to be recovered with full costs of suit, by action of debt, bill, plaint, or information, in any of her Majesty's courts of justice within any of the said plantations, or

For enforcing the due execution of proclamation,

Persons after 1 May, 1709. paying or receiving any foreign silver coins at a higher rate than is regulated, to suffer 6 months imprisonment, and forfeit 10l.

in any of the courts of justice of the charter or proprietary governments where such offence shall be committed.

Proviso.

III. Provided nevertheless, and it is hereby declared, That nothing in the before recited proclamation or in this act contained shall extend, or be construed to compel any person to receive any of the said species of foreign silver coins, at the respective rates in the said proclamation mentioned.

Queen may regulate the several species hereafter, in such other manner as she shall judge necessary.

IV. Provided also, and it is hereby further declared, That nothing in this act contained shall extend, or be construed to restrain her Majesty from regulating and settling the several rates of the said species of foreign silver coins within any of the said colonies or plantations, in such other manner, and according to such other rates and proportions, as her Majesty by her royal proclamation for that purpose to be issued, shall from time to time judge proper and necessary, or from giving her royal assent to any law hereafter to be made in any of the said colonies or plantations, for settling and ascertaining the current rates of such coins within the said colonies or plantations; but that such further regulations may be made, and such assent given, in as full and ample manner, to all intents and purposes, as the same might have been done in case this act had not been made, and no otherwise; any thing herein before contained to the contrary hereof in any wise notwithstanding.

C A P. XXXI.

Acts for the better preventing mischiefs that may happen by fire.

WHEREAS many fires have lately broke out in several places in and about the cities of London and Westminster, and other parishes and places comprised within the weekly bills of mortality, and many houses have frequently been burnt and consumed before such fires could be extinguished, to the impoverishing and utter ruin of many of her Majesty's subjects, the rage and violence whereof might have been in great part prevented, if a sufficient quantity of water had been provided in the pipes lying in the streets, and if party walls of brick had been built between house and house, from the foundation to the top of the roofs, and less timber in the front of houses: for the preventing therefore the like mischiefs for the future, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and eight, it shall and may be lawful to and for the churchwardens of each and every parish within the said cities and liberties of *London* and *Westminster*, and other parishes and places within the said weekly bills of mortality, and they are hereby required at any time or times before the first day of *May*, in the said year of our Lord one thousand seven hundred and eight, or as soon after as may be, and so for ever

From 25
March, 1708,
churchward-
ens of each
parish within
bills of mor-
tality to fix on
the mains and
pipes of any
water-work,
stop-blocks of

ver after, to make place and fix (at the charge of such re- wood, or fire
 pective parish) upon the mains and pipes belonging to any cocks, &c.
 water-work whatsoever within the places aforesaid, such and
 o many stop-blocks of wood, with a two-inch plug, or such
 and so many fire cocks to go into each main or pipe, and to be
 placed at such distances, in each or any street or place where
 uch churchwardens for the time being shall direct, and the
 op of such stop blocks to lie even with the pavement of each
 treet or place; to the intent that such plugs or fire cocks may
 lways, upon occasion of any fire, be opened, and let out
 he water without loss of time in digging down to the pipes;
 and that all and every or any such churchwardens shall, and
 hereby have power to fix any mark or writing in the front of
 ny house or houses over against the places, and for the better
 making known to the inhabitants where such stop-blocks and
 fire cocks lie, and to keep an instrument in each house where
 the mark is, to open the plug or fire cock, such stop-blocks
 and fire cocks to be kept in repair at the charge of each parish
 where the same shall be placed, and the plugs by the owners
 of the mains and pipes where the same shall be fixed; and that
 each and every parish within the cities of *London* and *Westminster*,
 and weekly bills of mortality, shall from time to time, and at
 all times, have and keep in good order and repair in some
 known and publick place within each parish, a large engine,
 and also a hand engine, to throw up water for the extinguish-
 ing of fires, and also shall provide, keep, and maintain one
 leather pipe and socket of the same size as the plug or fire cock,
 to the intent the socket may be put into the pipe to convey the
 water clean and without loss, or help of bucket, into the en-
 gine; and in default of making, placing, fixing, and continu-
 ing such stop-blocks or fire-cocks on the several mains and
 pipes, as also in default of having and keeping in good repair
 such large engine, hand engine, and leather pipe and socket,
 the churchwardens of such parish so making default, and be-
 ing convicted thereof, before two of her Majesty's justices of
 the peace, shall forfeit and pay the sum of ten pounds; one
 moiety thereof to the informer, and the other moiety to the
 overseers of the poor of the parish where such default shall be
 made, for the use of the poor of such parish, to be recovered by
 warrant from two of her Majesty's justices of the peace, by
 distress and sale of such churchwardens goods; the overplus,
 if any be, to be returned to the owner thereof; and that the
 turn-cock belonging to such water-work, whose water shall be
 found on, or first come into the main or pipe where the first
 plug shall be opened at any fire, shall be paid ten shillings by
 the churchwardens of such respective parish where such fire
 shall happen; and that the first engine keeper which brings in
 a parish engine, to help to extinguish any fire, if in good order
 and complete, with a socket, hose, and leather pipe, shall be
 paid thirty shillings; the keeper of the second parish engine
 that shall be next brought to a fire shall be paid twenty
 shillings;

Mark to be
 fixed on the
 front of an
 house, over
 against the
 place where
 fire-cock lies.

Every parish
 to keep one
 large engine
 and one hand
 engine, and
 one leather
 pipe.

United pa-
 rishes are as
 one.

7 Anne, c. 17.
 f. v.

Penalty to
 churchward-
 ens making
 default.

Gratuities to
 be paid to
 turn cocks
 engine keep-
 ers, &c. by
 churchward-
 ens, &c. where
 any fire
 shall happen.
 Reward not
 payable by
 churchward-

*ens without the
direction of the
alderman of the
ward,*
7 Annæ, c. 17.
l. 2.

shillings; and the third, ten shillings, by the churchwardens of each parish where such fire shall happen, and in default of payment thereof, such reward shall be recoverable from the churchwardens where such fire shall happen, by warrant from two of her Majesty's justices of the peace, by distress and sale of such churchwardens goods; the overplus to be returned, if any be.

II. And whereas the several insurance offices for insuring houses against loss by fire, retain in their several services, and give coats and badges unto watermen for service and assistance in extinguishing of fires, who are always ready at a call, and are provided with various sorts of poles, hooks, baschets, and several other instruments and things at the charge of the said respective insurance offices, for the extinguishing of fires; which watermen by custom and skill venture much further, and give greater help than any other persons not used to come into danger: and whereas it hath been found by frequent experience, that such watermen are of great use and service when ever any fire happens; be it therefore enacted by the authority aforesaid, That the watermen for the time being, belonging to each insurance office, within the cities of London and Westminster, and limits thereof, not exceeding thirty for each office, shall be free from being impressed, or liable to be compelled to go to sea, or serve as marines, or soldiers at land, their names and places of abode being registered and entered with the secretary or other officer of the admiralty office.

Watermen be-
longing to in-
surance offices
free from im-
pressing.

III. And whereas fires often happen by the negligence and carelessness of servants, be it therefore enacted by the authority aforesaid, That if any menial or other servant or servants, through negligence or carelessness, shall fire or cause to be fired any dwelling-house, or out-house or houses, such servant or servants being thereof lawfully convicted by the oath of one or more credible witnesses made before two or more of her Majesty's justices of the peace, shall forfeit and pay the sum of one hundred pounds unto the churchwardens of such parish where such fire shall happen, to be distributed among the sufferers by such fire, in such proportions as to the said churchwardens shall seem just; and in case of default or refusal to pay the same immediately after such conviction, the same being lawfully demanded by the said churchwardens, that then and in such case such servant or servants shall, by warrant under the hand of two or more of her Majesty's justices of the peace, be committed to some workhouse, or house of correction, as the said justices shall think fit, for the space of eighteen months, there to be kept to hard labour.

All houses
erected after
1 May, within
bills of morta-
lity, to have
party walls of
brick or stone,
&c.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of May, which shall be in the year of our Lord one thousand seven hundred and eight, all and every house and houses that shall be erected and built either upon old or new foundations, in any place or places in and about the cities of London and Westminster, or other parishes or places comprized within the weekly bills of mortality, shall have

ive party walls between house and house, wholly of brick or
 one, and of two bricks thick at the least in the cellar and ground
 ories, and thirteen inches thick upwards from the foundation
 site through all the stories of each house, and eighteen inches
 above the roof; and that no mundillion or cornish of timber
 wood under the eaves shall hereafter be made or suffered in
 any such new house or houses, but that all front and rear
 walls of every house and houses shall be built of brick or stone, to
 be carried two feet and an half high above the garret floor, and
 paved with stone or brick; and if any new house or houses
 shall, from and after the said first day of May, be erected and
 built within the places aforesaid, contrary to the true intent and
 meaning of this act, that then the owner of every such house,
 and head builder or workmen, who undertake such building or
 work, shall each of them forfeit, lose, and pay for every such
 default the sum of fifty pounds, to be equally divided, one
 moiety to the informer, and the other moiety to the poor
 of the parish wherein such building shall be erected; and to
 be levied by warrant under the hands and seals of two or more
 of her Majesty's justices of the peace within the place where
 such building shall be so erected, or where such workmen shall
 inhabit, by distress and sale of the offender's goods, upon due
 conviction upon oath, or upon the view of one or more of such
 justices of the peace, rendering the overplus to the owners, if any
 be; and for want of such distress the offender shall be imprisoned
 by warrant from the said two justices, who are hereby empower-
 ed and required to issue such warrant, until payment, as afore-
 said; and the share of such forfeitures appointed to go to the
 poor, as aforesaid, to be paid into the hands of the church-
 wardens of such respective parish where such offence shall be
 committed, who are to give a receipt for the same, and to be
 charged therewith; and accountable for the same, in like man-
 ner as for other monies which they shall receive for the use of
 such parish.

V. And be it further enacted, That upon the breaking out
 of any fire within London and Westminster, all constables and
 beadles (upon notice thereof) shall immediately repair to the
 place where the said fire shall happen, with their staves, and other
 badges of their authority, and be aiding and assisting, as well
 in the extinguishing the said fires, and causing people to work
 at the engines, as also in preventing goods being stolen; and
 shall seize and apprehend all ill-disposed persons that they shall
 find stealing or pilfering from the inhabitants; as also that the
 said constables and beadles shall give their utmost assistance to
 help the inhabitants to remove their said goods.

VI. And be it further enacted by the authority aforesaid,
 That no action, suit, or process whatsoever, shall be had,
 maintained or prosecuted against any person in whose house or
 chamber any fire shall, from and after the said first day of May,
 accidentally begin, or any recompence be made by such person
 for any damage suffered or occasioned thereby; any law, usage,
 or custom to the contrary notwithstanding.

*Provisions for
 pulling down
 partition walls.
 11 Geo. 1. c. 28.
 No mundil-
 lion or cornish
 of timber un-
 der the eaves
 hereafter to be
 made in any
 new house, &c.
 This clause
 extends not to
 houses on
 London bridge
 or the Thames.
 7 Annæ, c. 17.
 s. 7, 8.
 On penalty.*

*On breaking
 out of any fire,
 &c. all con-
 stables and
 beadles to aid
 and assist the
 inhabitants,
 &c.*

*No action to be
 prosecuted
 against any
 person in
 whose house,
 &c. any fire
 accidentally
 begins, &c.*

This section made perpetual by 10 Annæ, c. 14. f. 1.

or custom to the contrary notwithstanding: and if any action shall be brought for any thing done in pursuance of this act, the defendant may plead the general issue, and give this act in evidence, and in case the plaintiff become nonsuit, or discontinue his action or suit, or if a verdict pass against him, the defendant shall recover treble costs.

Not to void contract between landlord and tenant. Clause of indemnity to continue for 3 years.

VII. Provided, That nothing in this act contained shall extend to defeat or make void any contract or agreement made between landlord and tenant.

VIII. Provided always nevertheless, That so much of this act as relates to the indemnity of any person in whose house or chamber any fire shall accidentally begin, shall continue for the space of three years, and from thence to the end of the next session of parliament and no longer.

C A P. XXXII.

An act for regulating the qualifications of the elections of the governor, deputy governor, directors, and voters, of the governor and company of the bank of England.

5 Annæ, c. 13.

WHEREAS by an act of parliament made and passed in the fifth year of her Majesty's reign, intituled, An act for continuing the duties upon houses, to secure a yearly fund for circulating Exchequer bills, whereby a sum not exceeding fifteen hundred thousand pounds is intended to be raised for carrying on the war, and other her Majesty's occasions, it is provided and enacted, That it shall and may be lawful for the governor and company of the bank of England, and their successors, for the better circulating of the said Exchequer bills, from time to time when they shall see occasion, to call in or direct to be paid unto the said governor and company, and their successors, from and by the respective members of the said company for the time being proportionably, any sum and sums of money which the said governor and company in a general court, from time to time shall think necessary for the said circulation, and shall accordingly order to be called in, as by the said act (amongst divers other things therein contained) more at large may appear: and whereas an enlargement of the present capital stock of the said governor and company, will restore several members of the said corporation, who have paid or may hereafter pay in any money for the circulation of the said Exchequer bills, to such capacities of being elected governor, deputy governor and directors, and voting at general courts, as their charter requires, and which by dividing of their late engrafted stock, many of them now want; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all such sums of money as the said governor and company have heretofore called, or shall hereafter from time to time call in, from their respective members, for the circulation of the said Exchequer bills, shall, as the same have been, or shall from time to time be received by the said governor and company, and their successors, as far as and not exceeding one million one thousand one hundred

Bank of England.

All monies called in by bank for circulating Exchequer bills to be taken as stock for qualifying persons to be elected governor,

seventy one pounds ten shillings in the whole, be taken and directors, &c. deemed as and for capital and principal stock for the qualifying or capacitating any person or persons interested therein, to be elected governor, deputy governor, director or directors, or to vote at general courts, and to and for no other intent or purpose whatsoever.

II. Provided always, That nothing herein contained shall Proviso. extend or be construed to prohibit or restrain the said governor and company, and their successors, from calling in or receiving from their members, any further or other sum and sums of money, which by virtue of the said last recited act, or otherwise, they lawfully may or can do.

C A P. XXXIIL.

An act for the importation of cochineal from any ports in Spain, during the present war, and six months longer.

WHEREAS cochineal being of the growth of the Spanish West Indies is of principal use in dying of clothes, and other the woollen manufacture of this kingdom, scarlets, purples, and other colours called grain colours, to the great improvement thereof, and employment of great numbers of her Majesty's subjects, in finishing and perfecting such woollen manufacture: and whereas by the laws in being cochineal cannot be imported but from the places of its growth, although the same is now sold at cheaper rates in several parts of Europe, and used as well in dying the said manufactures of this kingdom abroad, as also foreign manufactures at lower prices than her Majesty's subjects can, to the encouragement of foreign woollen manufactures, the great prejudice of our own, and impoverishment of many of her Majesty's subjects employed therein; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the six and twentieth day of March, which shall be in the year of our Lord one thousand seven hundred and eight, it shall and may be lawful to and for any person or persons who shall reside in her Majesty's dominions, to import and bring cochineal into this kingdom in any ship or ships, vessel or vessels, belonging to any kingdom or state in amity with her Majesty, Spanish ships or vessels, or such as are deemed Spanish ships or vessels, sailing with Spanish pass or passes and colours, from any the ports or places following (*viz.*) Cadix, Seville, Port St. Mary, St. Lucar, and Gibraltar, or any other ports in the kingdom of Spain, during this present war, and six months after; any thing in the act for encouraging and increasing of shipping and navigation, made in the twelfth year of the reign of King Charles the Second, or any other act, to the contrary notwithstanding. *Made perpetual by 12 Annæ, stat. 1. c. 18. sect. 3.*

Cochineal of the growth of the Spanish West Indies.

After 16 March, 1708. may be imported.

From any of the ports of Spain during the war, &c. 12 Car. 2. c. 18.

C. P. XXXIV.

An act for limiting a time to persons to come in and make their claims to any of the forfeited estates, and other interests in Ireland, sold by the trustees for sale of those estates to the governor and company for making hollow sword blades in England, and divers other purchasers.

Governor and company of hollow sword blades.

11 & 12 W. 3. c. 2.

Who purchased lands in Ireland of the trustees. The title to the same hath been questioned.

For quieting the said company.

Time allowed to purchasers to prosecute their claims.

In default thereof, to be debarred.

WHEREAS the governor and company for making hollow sword blades in England, and divers other persons, did (in pursuance of an act of parliament made in the eleventh year of the reign of the late King William the Third, of glorious memory, intituled, An act for granting an aid to his Majesty by sale of forfeited and other estates and interests in Ireland, and by a land tax, for the purposes therein mentioned, and of several other acts relating to the said forfeited and other estates and interests) purchase of the trustees appointed by the said acts, several honours, manors, baronies, castles, messuages, lands, tenements, rents, reversions, services, remainders, possessions, royalties, franchises, jurisdictions, privileges, and appurtenances thereunto belonging in the kingdom of Ireland: and whereas divers actions and suits have been brought against several purchasers of estates under the said acts of parliament, and the title to the same, under the said trustees, hath been called in question, and several judgments have been given in Ireland against some of the said purchasers, and one of those judgments hath been affirmed on a writ of error in her Majesty's court of Queen's Bench in England, and also in the house of peers in England, whereby the said purchasers are in danger of having their titles to the estates and interests, so by them purchased, further called in question and disputed: now for the quieting the said governor and company, and the said other purchasers in the possession of the several estates and interests so by them respectively purchased of the said trustees, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by authority of the same, That all and every person or persons whatsoever, who shall claim or pretend any right or title to any of the estates or interests purchased of the said trustees, or any part thereof, or any interest therein, or any incumbrance thereupon, either in law or equity, on pretence that the same were not vested in the said trustees, within the true intent and meaning of the said several acts of parliament, some or one of them, or on any other pretence whatsoever, shall commence, sue and prosecute such his, her or their claim and pretension, within two years, to be computed from the four and twentieth day of June, one thousand seven hundred and eight, in one of her Majesty's courts of record in Ireland; and in default thereof, the party or parties claiming, his, her, or their heirs, executors, administrators and assigns, and any claiming by, from or under him, her or them, or any of them, shall be for ever absolutely debarred, and without remedy either in law or equity.

II. Pro-

II. Provided nevertheless, and be it further enacted by the authority aforesaid, That if any person or persons, whose claim is intended to be hereby limited, shall be a feme-covert, or within the age of one and twenty years, *non compos mentis*, or in prison, That then such person or persons shall commence and prosecute his, her or their respective claim, as aforesaid, within two years next and immediately after he, she or they shall be of full age, discovert or sane memory, or at large, as other persons having no such impediment are hereby limited to do; and in default or neglect thereof shall be for ever barred of any such claim, as aforesaid.

Proviso if claimant be a feme covert, under age, or *non compos*, &c.

III. And be it further enacted by the authority aforesaid, That this present act shall be accepted, taken, deemed and reputed to be, as is hereby declared to be a publick act of parliament; of which all and every judge and judges of this kingdom, and the kingdom of Ireland, and other persons, are to take notice on all occasions whatsoever.

Act to be a publick act.

IV. Provided nevertheless, That nothing in this present act shall extend, or be construed to extend to prejudice the right, title, or interest of any person or persons that are in actual possession of any messuages, lands, tenements, hereditaments, or other estates or interests that were sold by the said trustees.

Not to prejudice right of persons in actual possession, &c.

CAP. XXXV.

An act for the publick registering of all deeds, conveyances, wills, and other incumbrances that shall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments within the East Riding of the county of York, or the town and county of the town of Kingston upon Hull, after the nine and twentieth day of September, one thousand seven hundred and eight, and for the rendering the register in the West Riding more complete.

I. **WHEREAS** the lands in the East Riding of the county of York, and in the town and county of the town of Kingston upon Hull are generally freehold, which may be so secretly transferred or conveyed from one person to another, that such as are ill disposed have it in their power to commit frauds, and frequently do so, by means whereof several persons (who through many years industry in their trades and employments, and by great frugality have been enabled to purchase lands, or to lend monies on land security) have been undone in their purchases and mortgages, by prior and secret conveyances, and fraudulent incumbrances, and not only themselves, but their whole families thereby utterly ruined: for remedy whereof, may it please your most excellent Majesty (at the humble request of the justices of the peace, gentlemen, and freeholders of the said East Riding, and of the said town and county of the town of Kingston upon Hull, that it may be enacted, and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the au-

Conveyances and wills whereby lands, &c. in the East Riding of Yorkshire or Hull may be affected, to be registred, Deed not so registred void. 7 An. c. 20. Abr. Eq. 357, 358. Wrightson v. Hanlon 13 Feb. 1737. at the Rolls.

Method established for registring such memorials.

Register office to be at Beverly.

Register to be elected by balloting.

deceit of the same; That a memorial of all deeds and conveyances which from and after the nine and twentieth day of *September*, in the year of our Lord one thousand seven hundred and eight, shall be made and executed, and of all wills and devises in writing made, or to be made and published, where the devisor or testatrix shall die after the said nine and twentieth day of *September*, of or concerning, and whereby any honors, manors, lands, tenements, or hereditaments in the said *East Riding*, or in the said town and county of the town of *Kingston upon Hull*, may be any way affected in law or equity, may be registred in such manner as is herein after directed; and that every such deed or conveyance that shall, at any time after the said nine and twentieth day of *September*, be made and executed, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such memorial thereof be registred, as by this act is directed, before the registring of the memorial of the deed or conveyance, under which such subsequent purchaser or mortgagee shall claim; and that every such devise by will shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless a memorial of such will be registred in such manner as is herein after directed.

II. And for settling and establishing a certain method, with proper rules and directions for registring such memorials as aforesaid, be it further enacted by the authority aforesaid, That one publick office for registring such memorials of and concerning any honors, manors, lands, tenements, and hereditaments, that are situate, lying, and being within the said *East Riding*, or the said town and county of the town of *Kingston upon Hull*, shall (at the publick charge of the said *East Riding*, to be raised by the justices of the peace thereof at their general quarter sessions of the peace, in such manner as they are empowered to raise money for the repairs of publick or county bridges) be erected and established at *Beverly*, the nearest market town to the center or middle of the said *East Riding*, to be managed and executed by a fit and able person, to be from time to time elected and appointed in manner herein after directed, or his sufficient deputy, and to continue in the said office for so long time as he shall well demean himself therein.

III. And be it further enacted by the authority aforesaid, That all elections of a register to be made or appointed by virtue of this act, shall be performed by balloting, in manner following; that is to say, all the freeholders that at the time of any such election have an estate of freehold of or in any lands, tenements, or hereditaments within the said *East Riding*, and the said town and county of the town of *Kingston upon Hull*, or in either of them, of the yearly value of one hundred pounds, to be determined by the oath of the elector, before the scrutators herein after mentioned, if any doubt arise touching the same (which oath they are hereby empowered to administer) shall be electors of the said register; and that the justices of the peace

peace for the said *East Riding*, in that behalf assembled, or the major part of them, or any five of such justices to be appointed by such major part, shall be scrutators of the ballot, who shall meet on the day and place of election, and there in the presence of the electors, shall place one or more glass vessels to be provided for that purpose, into which each elector present shall put one open paper, containing the name of such person as he approves of to be register; which papers shall be taken out again in the presence of the scrutators, by a person by them in that behalf appointed; and the name or names of every person therein shall be once transcribed in distinct columns, and under each name shall be set down the number of their electors, which shall be deliberately cast up by the said scrutators, and the same shall be read over in the hearing, and fixt up in the view of the electors then present, and the person upon whom the majority shall fall, shall be declared register.

IV. And be it further enacted by the authority aforesaid, ^{Time of election.} That the election of a person to be the first register shall be made at *Beverly* aforesaid; upon the thirteenth day of *July*, in the said year of our Lord one thousand seven hundred and eight, in open court, between the hours of nine in the morning and three in the afternoon.

V. And be it further enacted by the authority aforesaid, ^{On death of register a new one to be elected.} That when and as often as the said office shall become vacant by the death, forfeiture, or surrender of any such register, the justices of the peace for the said *East Riding* assembled at the general quarter sessions of the peace, next after such vacancy shall happen, or the major part of them, shall in open court declare the said vacancy, and by order of the same sessions shall appoint and prefix a certain day and time within the space of one calendar month, and above three weeks ensuing the end of such general quarter sessions, for the electors to assemble at *Beverly* aforesaid, to choose a fit and able person in the manner aforesaid, to supply the said vacancy; and to the intent that all persons qualified to be electors may have due notice of such vacancy and time of election of a succeeding register, the clerk of the peace for the time being for the said *East Riding*, shall forthwith cause copies of such order, for the prefixing the time of such election, to be delivered to the respective chief constables of the several wapentakes within the said *East Riding*, who shall and are hereby required to publish the same in full market in every market town within their respective wapentakes, on the next market day after the receipt thereof, and to affix the same in the most publick place of resort there.

VI. And be it further enacted; ^{Who shall be sworn.} That every such register, before he enter upon the execution of the said office, shall be sworn before the justices of the peace for the said riding, or any three or more of them that shall be present at his election (who are hereby impowered and required to administer such oath) in these words:

Reg. ter's
oath.

YOU shall truly and faithfully perform and execute the office and duty that is directed and required by you to be done by act of Parliament, intituled, An act for the publick registering of all deeds, conveyances, wills, and other incumbrances that shall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments within the *East Riding* of the county of *York*, or the town and county of the town of *Kingston upon Hull*, after the nine and twentieth day of *September*, one thousand seven hundred and eight; and that you have not given or promised directly or indirectly, nor authorized any person to give or promise any money, gratuity, or reward whatsoever, for procuring or obtaining the said office for you.

So help you G O D.

Register's de-
puty to take
said oath.

VII. And that when and as often as the said register shall appoint any deputy to execute the said office, such deputy shall, before he enter upon the execution thereof, take the said oath appointed to be taken by the said register, before two or more of the justices of the peace for the said riding, who are hereby impowered and required to administer such oath.

Executors of
deceased re-
gister to exe-
cute office,
until a new
one be elected.

VIII. And be it further enacted, That upon the death of any such register, and until another election of a fit person to execute that office shall be made in manner aforesaid, the executors and administrators of the register deceased, together with the sureties for the said register, or their executors and administrators, shall appoint a proper person to execute the office of register, for whose demeanor in the execution of the said office the security given for such register deceased shall be answerable.

And take the
oath prescrib-
ed.

IX. And be it further enacted, That the person to be appointed, as aforesaid, upon the death of any register, to execute the said office during the time the same shall be vacant, as aforesaid, shall, before he enter upon the execution thereof, take the oath herein before appointed to be taken by such register and his deputy, before two or more justices of the peace for the said riding (who are hereby impowered to administer the same oath) and that if such person so appointed shall be lawfully convicted of any neglect, misdemeanor or fraudulent practice in the execution of the said office, during such vacancy, he shall be liable to pay treble damages with full costs of suit to every person that shall be injured thereby, to be recovered as is herein after directed.

Penalty on
neglect.

All memo-
rials to be re-
gistered in vel-
lum or parch-
ment.

X. And be it further enacted by the authority aforesaid, That all and every memorials so to be entred and registered, shall be put into writing in vellum or parchment, and brought to the said office, and in case of deeds and conveyances, shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors, or administrators, guardians, or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance; which witness shall upon his oath, before the said register, or his deputy, prove the signing and sealing of

(such

such memorial, and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorial shall be under the hand and seal of some or one of the devisees, his or their heirs, executors, or administrators, guardians, or trustees, attested by two witnesses, one whereof shall upon his oath, before the said register, or his deputy, prove the signing and sealing of such memorial, which respective oaths the said register, or his deputy, is hereby impowered to administer.

XI. And be it further enacted, That every memorial of any deed, conveyance, or will, shall contain the day of the month, and the year when such deed, conveyance, or will bears date, and the names and additions of all the parties to such deed or conveyance, and of the devisor or testatrix of such will, and of all the witnesses to such deed, conveyance or will, and the places of their abode, and shall express or mention the honors, manors, lands, tenements, and hereditaments contained in such deed, conveyance, or will, and the names of all the parishes, townships, hamlets, precincts, or extraparochial places within the said *east riding*, and the said town and county of the town of *Kingston upon Hull*, or either of them, where any such honors, manors, lands, tenements, or hereditaments, are lying or being, that are given, granted, conveyed, devised, or any way affected or charged by any such deed, conveyance, or will, in such manner as the same are expressed or mentioned in such deed, conveyance, and will, or to the same effect; and that every such deed, conveyance, and will, or probate of the same, of which such memorial is so to be registred, as aforesaid, shall be produced to the said register, or his deputy, at the time of entering such memorial, who shall indorse a certificate on every such deed, conveyance, and will, or probate thereof, and therein mention the certain day, hour, and time on which such memorial is so entred or registred, expressing also in what book, page, and number, the same is entred, and that the said register, or his deputy, shall sign the said certificate when so indorsed; which certificates shall be taken and allowed as evidence of such respective registries in all courts of record whatsoever; and that every page of such register books, and every memorial that shall be entred therein, shall be numbered, and the day of the month, and the year, and hour, or time of the day, when every memorial is registred, shall be entred in the margents of the said register books, and of the said memorial; and that every such register shall keep an alphabetical calendar of all parishes, extraparochial places and townships, within the said *East riding*, and the said town and county of the town of *Kingston upon Hull*, with reference to the number of every memorial that concerns the honors, manors, lands, tenements, or hereditaments in every such parish, extraparochial place or township respectively, and of the names of the parties mentioned in such memorial, and that such register shall duly file every such memorial, in order of time, as the same shall be brought to the said office, and enter or register the said memorials, in the same order that they shall respectively come to his hand.

What every memorial shall contain.

Register to indorse on every deed, will, &c. a certificate, &c.

And keep an alphabetical calendar of parishes, &c.

And file every memorial in order of time.

XII. And

Memorials, &c. made in London, or not within 40 miles of East riding, may be entred on affidavit.

XII. And be it further enacted by the authority aforesaid, That a memorial of such deeds, conveyances and wills as shall be made and executed, or published in *London*, or in any other place not within forty miles of the said *East riding*, which do or may concern or affect any honors, manors, lands, tenements, or hereditaments in the said *East riding*, or the said town and county of the town of *Kingston upon Hull*, shall be entred or registred by the aforesaid register or his deputy, in case an affidavit sworn before one of the judges at *Westminster*, or a master in *Chancery*, ordinary or extraordinary, be brought with the said memorial to the said register, or his deputy, wherein one of the witnesses to the execution of such deeds and conveyances shall swear, he or she saw the same executed, and the memorial signed and sealed, as aforesaid, or wherein one of the witnesses to the memorial of any will shall swear, he or she saw such memorial signed and sealed, as aforesaid; and the same shall be a sufficient authority to the said register or his deputy, to give the party that brings such memorial and affidavit a certificate of the registering such memorial; which certificate signed by the said register or his deputy, shall be taken and allowed as evidence of the registries of the same memorials in all courts of record whatsoever; any thing in this act to the contrary thereof contained in any wise notwithstanding.

In case of more writings than one, which concern the same lands, &c. Memorial sufficient, if lands, &c. are only once named therein.

XIII. Provided always, and be it enacted, That where there are more writings than one for making and perfecting any conveyance or security, which do name, mention, or any ways affect or concern the same honors, manors, lands, tenements, or hereditaments, it shall be a sufficient memorial and register thereof, if all the said honors, manors, lands, tenements, and hereditaments, and the parishes, townships, hamlets, or extraparochial places, wherein the same lie, be only once named or mentioned in the memorial, register, and certificate of any one of the deeds or writings made for the perfecting of such conveyance or security, and that the dates of the rest of the said deeds or writings relating to the said conveyance or security, with the names and additions of the parties and witnesses, and the places of their abodes, be only set down in the memorials, registers, and certificates of the same, with a reference to the deed or writing whereof the memorial is so registred, that contains or expresses the parcels mentioned in all the said deeds, and directions how to find the registering the same.

Memorials of wills registred within six months after death of devifor, &c. valid.

XIV. Provided also, and it is hereby enacted, That all memorials of wills that shall be registred in manner as aforesaid, within the space of six months after the death of every respective devifor or testatrix dying within the kingdom of *Great Britain*, or within the space of three years after the death of every respective devifor or testatrix dying upon or in any parts beyond the seas, shall be as valid and effectual against subsequent purchasers, as if the same had been registred immediately after the death of such respective devifor or testatrix; any thing herein contained to the contrary thereof in any wise notwithstanding.

XV. Pro-

XV. Provided always, That in case the devisee, or person or persons interested in the honors, manors, lands, tenements, or hereditaments, devised by any such will, as aforesaid, by reason of the contesting such will, or other inevitable difficulty, without his, her, or their wilful neglect or default, shall be disabled to exhibit a memorial for the registry thereof, within the respective times herein before limited, and that a memorial shall be entered in the said office of such contest or other impediment, within the space of six months after the decease of such devisor or testatrix, who shall die within the kingdom of *Great Britain*, or within the space of three years next after the decease of such person who shall die upon or beyond the seas, then and in such case the registry of the memorial of such will, within the space of six months next after his, her, or their attainment of such will, or a probate thereof, or removal of the impediment, whereby he, she, or they are disabled or hindered to exhibit such memorial, shall be a sufficient registry within the meaning of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Provido in case
of wills con-
tested.

XVI. And whereas by an act of parliament made in the twenty seventh year of the reign of King Henry the Eighth, intituled, For inrollments of bargains and sales, it is enacted, That no manors, lands, tenements, or other hereditaments, shall pass, alter, or change from one to another, whereby any estate of inheritance or freehold shall be made or take effect in any person or persons, or any use thereof to be made, by reason only of any bargain and sale thereof, except the said bargain and sale be made by writing indented, sealed, and enrolled in one of the King's courts of record at Westminster, or else within the same county or counties where the same manors, lands, tenements, or hereditaments so bargained and sold, lye or be, before the Custos Rotulorum, and two justices of the peace, and the clerk of the peace of the said county or counties, or two of them at the least, whereof the clerk of the peace to be one; which act hath been found by experience to be of little or no use within the said East riding, or the said town and county of the town of Kingston upon Hull, for that the clerks of the peace thereof respectively for the time being, who have the keeping of the said inrollments within the said respective places, are not by the said act enjoyned to give any security for the safe keeping, nor under any penalty for the negligent keeping of the said inrollments, nor is there by the said act any certain place appointed for keeping thereof; and whereas by this present act a publick office is intended to be erected and established at Beverly aforesaid, as the publick charge of the said East riding, for registering and safe keeping memorials of all deeds, conveyances, and wills, as aforesaid, and a publick register to be chosen, who, according to the directions herein after mentioned, is to give sufficient security for the due execution of the said office: for rendering therefore the said act made in the twenty seventh year of the reign of King Henry the Eighth more effectual and beneficial to the inhabitants of the said East riding, and of the town and county of the town of Kingston upon Hull, be it further enacted by the authority aforesaid, That from and after the said nine and twentieth

27 H. 8. c. 16.

27 H. 8. c. 16.

After 29 Sept. 1708. all bargains and sales of lands, &c. inrolled at Beverly, to be as effectual as if inrolled at Westminster, &c.

twentieth day of *September*, in the year of our Lord one thousand seven hundred and eight, all bargains and sales of any manors, lands, tenements, and hereditaments, situate, lying and being within the said *East riding*, or the said town and county of the town of *Kingston upon Hull*, which shall be inrolled by the said register, or his deputy for the time being, in the said publick office at *Beverly*, shall be as good, effectual, and available, to all intents and purposes whatsoever, as if the same had been inrolled in one of the Queen's courts of record at *Westminster*, or before the *Custos Rotulorum* and two justices of the peace and the clerk of the peace of the said *East riding*, or of the said town and county of the town of *Kingston upon Hull*, or two of them, according to the aforesaid act made in the twenty seventh year of the reign of King *Henry the Eighth*, or any other act now in force: and one or more justice or justices of the peace of the said riding for the time being shall have power to take and enter the acknowledgment of the bargainer, if but one, or of one of the bargainers if more, in such bargains and sales; and the said register, or his deputy for the time being, shall well and sufficiently inroll, by ingrossing in parchment books, all such bargains and sales as shall for that purpose be acknowledged as aforesaid, and shall indorse a certificate on such bargains and sales of the times of inrolling thereof, and sign the same, and the books thereof shall safely keep in the said publick office, there to remain upon record amongst the memorials of deeds there registred.

Deeds so inrolled to be sufficient evidence.

XVII. And be it further enacted, That all deeds of bargain and sale so inrolled in the said publick or register office, as aforesaid, which shall appear to be so inrolled by an indorsement or certificate on the said deeds of bargain and sale, signed by the said register, or his deputy, and that all copies of the inrollments thereof remaining on record in the said register office, shall be allowed in all courts where such bargains and sales, or copies shall be produced, to be as good and sufficient evidence as any bargains and sales inrolled in any of the courts at *Westminster*, and the copies of the inrollments thereof.

Every such inrollment to be deemed the entring a memorial thereof.

XVIII. And be it further enacted, That every such inrollment of every such deed in the said register office, as aforesaid, shall be deemed and adjudged to be the entring a memorial thereof pursuant to this act, and shall have the same force and effect upon the estate therein mentioned, in relation to all subsequent deeds, conveyances, and wills, and to all other intents and purposes, as if a memorial of such inrolled deed had been entred in the said register office, as aforesaid, pursuant to this act.

No judgment, statute, &c. after 29 Sept 1708. shall affect any lands, &c. in East riding, or Hull, but only from the time

XIX. And be it further enacted by the authority aforesaid, That no judgment, statute, or recognizance (other than such as shall be entred into in the name and upon the proper account of her Majesty, her heirs and successors) which shall be obtained, or entred into after the said nine and twentieth day of *September*, in the said year of our Lord one thousand seven hundred and eight, shall affect or bind any honors, manors, lands, tenements,

ments, or hereditaments, situate, lying, and being in the said *East riding*, or in the said town and county of the town of *Kingston upon Hull*, but only from the time that a memorial of such judgment, statute, or recognizance shall be entred at the said register office, expressing and containing, in case of such judgment, the names of the plaintiffs, and the names and additions therein of the defendants, the sums thereby recovered, and the time of the signing thereof; and in case of statutes and recognizances, expressing and containing the date of such statute or recognizance, the names and additions of the cognizers and cognizees therein, and for what sums, and before whom the same were acknowledged; and that in order to the making an entry of such memorials of judgments, statutes, and recognizances, as aforesaid, the party and parties desiring the same, shall produce to, and leave with the said register, or his deputy, to be filed in the said publick or register office, a memorial of such judgment, statute, or recognizance, signed by the proper officer or his deputy who shall sign such judgment, or his successor in the same office, or by the proper officer in whose office such statute or recognizance shall be inrolled, together with an affidavit, sworn before one of the judges at *Westminster*, or a master in *Chancery*. That such memorial was duly signed by the officer, whose name shall appear to be thereunto set, which memorial such respective officer is hereby required to give such plaintiff or plaintiffs, cognizee or cognizees, or his, her, or their executors or administrators, or attorney, or any of them, he, she, or they paying for the same the sum of one shilling, and no more.

that a memorial thereof be entred, &c.

XX. And be it further enacted, That the said register or his deputy shall make an entry, and likewise (if required) shall give a certificate in writing, under his hand, testified by two credible witnesses, of every such memorial of any judgment, statute, or recognizance brought to him to be so registred, as aforesaid, and therein mention the certain day on which such memorial is so registred or entred, expressing also in what book, page, and number the same is entred.

Register to enter every such memorial, and give a certificate, &c.

XXI. And be it further enacted, That every such register shall be allowed for the entry of every such memorial, as is by this act directed, the sum of one shilling, and no more, in case the same do not exceed two hundred words; but if such memorial shall exceed two hundred words, then after the rate and proportion of six pence an hundred for all the words contained in such memorial, over and above the first two hundred words; and the like fees for the like number of words contained in every such bargain and sale, as aforesaid, and in every certificate or copy given out of the said office, and no more; and for every search in the said office, one shilling, and no more.

Fees for entries of memorials.

XXII. And be it further enacted by the authority aforesaid, That every such register, or his sufficient deputy, shall give due attendance at his office every day in the week (except *Sundays* and holy-days) between the hours of nine and twelve in the forenoon, and the hours of two and five in the afternoon, for the

Times of attendance at the office.

the dispatch of all business belonging to the said office, and that every such register, or his deputy, as often as required, shall make searches, concerning all memorials that are registred, as aforesaid, and give certificates concerning the same under his hand (if required by any person) testified by two credible witnesses.

Register to enter into a recognizance of 2000 l. for the true execution of his office.

XXIII. And be it further enacted by the authority aforesaid, That every register at the time of his being sworn into the said office, as aforesaid, shall enter into a recognizance, with two or more sufficient sureties (to be approved of by five or more of the justices of the peace of the said riding, that were present at his election, by writing under their hands and seals to be registred at the next general quarter sessions of the peace for the said riding) of the penalty of two thousand pounds unto her Majesty, her heirs and successors, to be taken by the same justices of the peace that approved of his security, conditioned for his true and faithful performance of his duty in the execution of his said office, in all things directed and required by this act, the same to be transmitted by the same justices of the peace, within one month next after the date thereof, into the office of her Majesty's remembrancer of the Exchequer, there to remain amongst the records of the said court.

Penalty in case of neglect of duty.

XXIV. And be it further enacted, That if any such register, or his deputy, shall neglect to perform his or their duty in the execution of the said office, according to the rules and directions in this act mentioned, or commit or suffer to be committed any undue or fraudulent practice in the execution of the said office, and be thereof lawfully convicted, then such register shall forfeit his said office, and pay treble damages with full costs of suit to every such person or persons as shall be injured thereby, to be recovered by action of debt, bill, plaint, or information in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, shall be allowed, nor any more than one imparlance.

On death or surrender, if no misbehaviour appear recognizance to be void.

XXV. Provided nevertheless, and be it further enacted by the authority aforesaid, That when any register shall die or surrender his office, and that within the space of three years from and after such death or surrender no misbehaviour appear to have been committed by such register in the execution of his said office, then and in such case, at the end of the said three years after his death or surrender the said recognizance so entered into by him shall become void and of none effect, to all intents and purposes whatsoever.

Penalty on forging or counterfeiting entry.

XXVI. And be it further enacted, That if any person or persons shall at any time forge or counterfeit any entry of the acknowledgment of any bargainor in any such bargain and sale, as aforesaid, or any such memorial, certificate, or indorsement, as is herein mentioned or directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties, as in and by an act made in the fifth year of Queen *Elizabeth*, intituled, *An act against forgers of false deeds*

5 Eliz. c. 14.

and writings, are imposed upon persons for forging and publishing of false deeds, charters, or writings sealed, court rolls or wills, whereby the freehold or inheritance of any person or persons of, in, or to any lands, tenements, or hereditaments, shall or may be molested, troubled, or charged; and that if any person or persons shall at any time forswear himself before the said register, or his deputy, or before any judge or master in Chancery, in any of the cases herein mentioned, and be thereof lawfully convicted, such person or persons shall incur, and be liable to the same penalties, as if the same oath had been made in any of the courts of record at *Westminster*.

And on persons forswearing themselves.

XXVII. And be it further enacted by the authority aforesaid, That in case of mortgages, judgments, statutes, and recognizances, whereof memorials shall be entred in the said register office, pursuant to this act, if at any time afterwards a certificate shall be brought to the said register, or his deputy, signed by the respective mortgagors and mortgagees in such mortgage, plaintiffs and defendants in such judgment, cognizor and cognizees in such statute or recognizance, their respective executors, administrators, or assigns, and attested by two witnesses, whereby it shall appear that all monies due upon such mortgage, judgment, statute, or recognizance respectively, have been paid or satisfied in discharge thereof, which witnesses shall, upon their oath before the said register, or his deputy (who are hereby respectively empowered to administer such oath) prove such monies to be satisfied or paid accordingly, and that they saw such certificate signed by the said mortgagors and mortgagees, plaintiffs and defendants, cognizors and cognizees respectively, their respective executors, administrators, or assigns, that then and in every such case, the said register, or his deputy, shall make an entry in the margins of the said register books against the registry of the memorial of such mortgage, judgment, statute, or recognizance respectively, that such mortgage, judgment, statute, or recognizance respectively was satisfied and discharged according to such certificate, to which the same entry shall refer; and shall after file such certificate to remain upon record in the said register office.

Mortgages, judgments, &c. whereof memorials are entred, and afterwards monies due thereupon paid, register may make an entry in the margin that such mortgage, &c. is discharged.

XXVIII. Provided nevertheless, and be it enacted, That if any judgment, statute, or recognizance be registred in the said register office, within thirty days after the acknowledgment or signing thereof, all the lands that the defendants or cognizors had at the time of such acknowledgment or signing, shall be bound thereby.

Provido if judgment, &c. be registred within 30 days after signing.

XXIX. Provided always, and be it further enacted, That this act shall not extend to any copyhold estates, or to any leases at a rack rent, or to any lease not exceeding one and twenty years, where the actual possession and occupation goeth along with the lease; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Not to extend to copyhold estates, &c.

XXX. And be it further enacted by the authority aforesaid, That in all deeds of bargain and sale hereafter enrolled in pursu-

ance

How deeds of bargain and sale of fee-simple estates shall be construed and adjudged.

ance of this act, whereby any estate of inheritance in fee-simple is limited to the bargainee and his heirs, the words *grant, bargain, and sell* shall amount to, and be construed and adjudged in all courts of judicature, to be express covenants to the bargainee, his heirs and assigns, from the bargainer for himself, his heirs, executors, and administrators, that the bargainer notwithstanding any act done by him, was at the time of the execution of such deed seized of the hereditaments and premises thereby granted, bargained, and sold, of an indefeasible estate in fee-simple, free from all incumbrances (rents and services due to the lord of the fee only excepted) and for quiet enjoyment thereof against the bargainer, his heirs and assigns, and all claiming under him, and also for further assurance thereof to be made by the bargainer, his heirs and assigns, and all claiming under him; unless the same shall be restrained and limited by express particular words contained in such deed; and that the bargainee, his heirs, executors, administrators, and assigns respectively, shall and may, in any action to be brought, assign a breach or breaches thereupon, as they might do in case such covenants were expressly inserted in such bargain and sale.

Every leaf of the register books to be signed by two justices.

XXXI. And be it further enacted, That every leaf of the aforesaid register books and inrolment books shall be signed by two justices of the peace of the said riding (to be from time to time appointed by the justices of the peace thereof, or the major part of them, at their general quarter sessions of the peace assembled) who are hereby required to sign the same accordingly; and that an entry thereof shall be made from time to time by the clerk of the peace of the said riding for the time being, in the order book of the said sessions, and signed by the same justices of the peace that shall from time to time sign the said register books and inrolment books, to remain upon record amongst the records of the said sessions; and that a like entry shall be made upon record, and signed, as aforesaid, of the number of the same books, and how called or marked, and how many pages each of them contains, that are at any time, and from time to time, used in the said register office.

No member of parliament to be register.

XXXII. And be it enacted by the authority aforesaid, That no member of parliament for the time being shall be capable of being chose register, or of executing by himself or any other person, the said office, or have, take, or receive any fee or other profit whatsoever, for or in respect thereof; nor shall any register, or his deputy for the time being, be capable of being chose a member to serve in parliament.

Act to be a publick act.

XXXIII. And be it further enacted, That this act shall be taken and allowed in all courts within this kingdom as a publick act, and all judges, justices, and other persons therein concerned, are hereby required as such to take notice thereof, without special pleading the same.

2 & 3 Annæ, c. 4.

XXXIV. And whereas an act of parliament made in the second year of her present Majesty's reign, intituled, An act for the publick registering of all deeds, conveyances, and wills that shall be made

made of any honors, manors, lands, tenements, or hereditaments within the west riding of the county of York, after the nine and twentieth day of September, one thousand seven hundred and four; and also any other act made in the fifth year of her present Majesty's reign, intituled, An act for inrolments of bargains and sales within the west riding of the county of York, in the register office there lately provided, and for making the said register more effectual, were of very good design, but have been found by experience to be defective in several particulars, for which apt remedy is provided by the method of this act, in and for the said east riding of the county of York, and the town and county of the town of Kingston upon Hull; be it therefore enacted by the authority aforesaid, That from and after the said nine and twentieth day of September, one thousand seven hundred and eight, all and every the provisions, clauses, articles, matters and things in this present act contained, concerning the said east riding, and the town and county of the town of Kingston upon Hull, and not provided for or contained in the said recited acts, or either of them, shall extend unto, and affect all honors, manors, lands, tenements, and hereditaments, situate, lying, and being within the said west riding (the mortgage or purchase whereof shall exceed the sum of fifty pounds) as effectually as if the same and every of them were respectively inserted and contained in the said recited acts, and that from and after the said nine and twentieth day of September, one thousand seven hundred and eight, all and every person and persons in the execution of the said recited acts respectively within the said west riding, shall conform unto, and duly observe the alterations, additional provisions, orders, rules, and directions of this present act, as to the honors, manors, lands, tenements, and hereditaments, situate, lying, and being within the said west riding, and every matter and thing relating thereunto, in like manner as is by this act required and enjoined to be done within the said east riding, as to the honors, manors, lands, tenements, and hereditaments, situate, lying, and being within the said east riding, and town and county of the town of Kingston upon Hull, or any matter or thing relating thereunto; any thing in the said recited acts, or either of them, to the contrary thereof contained in any wise notwithstanding.

From 29 Sept. 1708, all the provisions, clauses, &c. in this act, and not contained in the above recited acts, to affect all honors, manors, &c. within the west riding, as if the same were inserted in the said acts.

C A P. XXXVI.

An act for raising the militia of this kingdom, for the year one thousand seven hundred and eight, although the month's pay formerly advanced be not repaid. E X P.

C A P. XXXVII.

An act for the encouragement of the trade to America.

I. **F**OR advancement of the trade of her Majesty's kingdom of Great Britain, to and in the several parts of America, for the further encouragement of her Majesty's ships, and private ships of war, the annoying and diminishing the wealth and power

All prize offices in America suppressed.

Officers and seamen, &c. to have the sole property in all prize ships, &c.

Encouragement for the increase of private ships of war.

power of her Majesty's enemies in those parts, and for the increase of shipping and of seamen for these and other services; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all prize offices in any port or place in *America* be and are hereby suppressed and taken away, to all intents and purposes whatsoever, from and after the four and twentieth day of *June*, one thousand seven hundred and eight.

II. And for the better encouragement also of such ships and vessels of war, which are or shall be in her Majesty's pay or service, be it further enacted by the authority aforesaid, That the flag officers, commanders, and other officers and seamen of every such ship or vessel of war, shall have the sole interest and property of and in all and every ship, vessel, goods, and merchandize they shall take in any part of *America* (being first adjudged lawful prize in any of her Majesty's courts of admiralty, and subject to the customs and duties payable to her Majesty, as if the same had been first imported to any part of *Great Britain*, and from thence exported, for and in respect of all such goods and merchandize) to be divided in such proportions, and after such manner, as her Majesty, her heirs and successors shall think fit to order and direct.

III. And for the encouragement and increase of private ships of war, be it further enacted, That the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain* for the time being, or any person or persons in any part of *America*, by him or them empowered and appointed, shall (at any time during the present war, at the request of any *British* owner or owners of any ship or vessel, giving such bail and security as has been usually taken upon granting commissions, or letters of marque, except only for the payment of the tenths of the value of the prizes which shall be taken, to the lord high admiral) cause to be issued forth (in the usual manner) one or more commission or commissions to any person or persons whom such owner or owners shall nominate to be commander (or in case of death successively commanders) of such ship or vessel, for the attacking, surprizing, seizing, and taking, by and with such ship or vessel, any ship or vessel, goods, ammunition, arms, stores of war, or merchandizes belonging to, or possessed by any of her Majesty's enemies, in any sea, creek, haven, or river in *America*, not being within the space of one hundred leagues of any part of *Asia* or *Africa*, whereof that trade is already granted to the *East India* company; and that such ship or ships, vessel and vessels, arms, ammunition, stores of war, goods, and merchandizes whatsoever, with all their furniture, tackle, or apparel so to be taken by or with such private owner or owners, ship or vessel, according to such commission and commissions, being first adjudged lawful prize in any of her Majesty's courts of admiralty

n or for any of her colonies or plantations in *America*, shall be subject to the customs and duties payable to her Majesty, as *Altered and explained by 9 Ann. c. 27. 1. 1.* (forefaid, for and in respect of such goods and merchandizes) wholly and intirely belong to, and be divided between and among the owner or owners of such ship or vessel, and the several persons which shall be on board the same, and be aiding and assisting to the taking thereof, in such shares and proportions as shall be agreed on with the owner or owners of such ship or vessel as shall be the captor thereof, their agents or factors, as the proper goods and chattels of such owner or owners, and the persons that shall be thus entitled thereto, by virtue of such agreements among themselves; and that neither her Majesty, her heirs or successors, or any admiral, vice admiral, governor, or other person commissioned by or claiming under her Majesty, her heirs or successors, or any person or persons whatsoever (other than the owner or owners of such ship or vessel, being the captor of such prize ship or vessel, arms, ammunition, stores of war, goods and merchandizes, and the persons claiming under him or them) shall be entitled to any part or share thereof (her Majesty's said duties and customs being duly answered and paid;) any custom, statute, or other law to the contrary notwithstanding.

IV. And for the more speedy proceeding to condemnation or other determination of any prize ship or vessel, goods and merchandizes taken by any such privateer ship, or by any of her Majesty's ships of war, in such court of admiralty, as aforesaid, and for lessening the expences that have been usual in those cases; be it further enacted by the authority aforesaid, That the judge or judges of such court of admiralty, or other person or persons thereto authorized, shall within the space of five days after request to him or them for that purpose made, finish the usual preparatory examination of the persons commonly examined in such cases, in order to prove the capture to be lawful prize, or to enquire whether the same be lawful prize or not; and that the proper monition usual in such cases shall be issued by the person or persons proper to issue the same, and shall be executed in the usual manner by the person or persons proper to execute the same, within the space of three days after request in that behalf made; and in case no claim of such capture, ship, vessel, or goods shall be duly entred or made in the usual form, and attested upon oath; giving twenty days notice after the execution of such monition, or if there be such claim, and the claimant or claimants shall not within five days give sufficient security (to be approved by such court of admiralty) to pay double costs to the captor or captors of such ship, vessel, or goods, in case the same so claimed shall be adjudged lawful prize, that then the judge or judges of such court of admiralty shall, upon producing to him or them the said examinations or copies thereof, and upon producing to him or them, upon oath, all papers and writings which shall have been found, taken

taken in or with such capture (or upon oath made that no such papers were found) immediately, and without further delay proceed to sentence, either to discharge and acquit such capture, or to adjudge and condemn the same as lawful prize, according as the case shall appear to him or them, upon perusal of such preparatory examinations, and also of the writings found taken in or with such capture (if any such writing shall be found) and in case such claim shall be duly entred or made, and security given thereupon, according to the tenor and true meaning of this act, and there shall appear no occasion to examine any witnesses, other than what shall be then near to such court of admiralty, that then such judge or judges shall forthwith cause such witnesses to be examined and (within the space of ten days after such claim made, and security given) proceed to such sentence, as aforesaid, touching such capture; but in case upon making or entring such claim, and the allegation and oath thereupon, or the producing such writings as shall have been found taken in, or with such capture, or upon the said preparatory examinations, it shall appear doubtful to the judge or judges of such court of admiralty, whether such capture be lawful prize or not, and it shall appear necessary according to the circumstances of the case, for the clearing and determining such doubt, to have an examination of witnesses that are remote from such court of admiralty, and such examination shall be desired, and that it be still insisted on, on the captors part, that the said capture is lawful prize, and that the contrary be still persisted in, on the claimants behalf, that then the said judge or judges shall forthwith cause such capture to be appraised by persons named on the part of the captor, and sworn truly to appraise the same according to the best of their skill and knowledge, and shall after such appraisement made, and within the space of fourteen days after the making of such claim, proceed to take good and sufficient security from the claimants, to pay to the captors the full value thereof, according to such appraisement in case the same shall be adjudged lawful prize, and after such security duly given, the said judge or judges shall make an interlocutory order for releasing or delivering the same to such claimant or claimants, or his or their agents; and the same shall be actually released or delivered accordingly.

Claimants to give security for payment of captors.

Refusing to give such security, captors to give security, &c.

V. And it is further enacted by the authority aforesaid, That if any claimant or claimants shall refuse to give such security, the judge or judges shall cause the captor or captors in like manner to give good and sufficient security, to be approved of by the claimant or claimants, to pay to the said claimant or claimants the full value according to the appraisement, in case any such capture or captures shall be adjudged not to be lawful prize; and the said judge or judges shall thereupon proceed to make an interlocutory order for the releasing and delivering of the same to the said captor or captors, or their agents.

VI. And

VI. And it is further enacted by the authority aforesaid, That ^{Captures} all such captures, as aforesaid, which shall be brought into any ^{brought in'o} her Majesty's colonies or plantations in *America*, shall, with- ^{America, to} out breaking bulk, stay there, and be under the joint care and ^{stay there, un-} custody of the naval officer of the port or place whereto the ^{til cleared or} same shall be brought, and of the captors thereof, and their a- ^{condemned,} gents, until either the same shall by final sentence have been ^{&c.} cleared and discharged, or adjudged and condemned as lawful prize, or that such interlocutory orders, as aforesaid, shall have been made for the releasing or delivering of the same; and upon the condemnation or adjudication thereof as lawful prize, shall (in case the same were taken by any such privateer ship or ships, as aforesaid) be immediately delivered unto the captors thereof, and their agents, to be by them disposed as their goods and chattels, and (in case the same were taken by any of her Majesty's ships of war) unto such person or persons, and to be so divided and disposed, as her Majesty, her heirs or successors shall in that behalf direct; and that if any judge or judges, or other officer or officers to whom respectively it shall appertain, shall delay the doing, performing, making, or pronouncing any of the several proceedings, matters, or things for, towards, or relating to the condemning or discharging, releasing or delivering of any such capture in manner aforesaid, within the respective times herein before limited, or as soon as the same or any of them ought to be done (according to the tenor and true meaning of this act) all and every such judge and judges, and other officer and officers, shall for every such offence forfeit the sum of five hundred pounds; the one moiety thereof to her Majesty, her heirs and successors, and the other moiety thereof, with full costs of suit, to such person or persons as shall inform or sue for the same, in any of the courts in or for any of her Majesty's said colonies or plantations, or in any of her Majesty's courts of record within her kingdom of *Great Britain*.

VII. And it is further enacted by the authority aforesaid, ^{Fees payable} That there shall not be paid unto or among all the judges and ^{to the officers} officers of such court of admiralty, as aforesaid, for, towards, ^{of the admir-} or relating to the adjudging or condemning of such capture, as ^{alty on con-} aforesaid, as lawful prize, above the sum of ten pounds, in case ^{demning prize} such prize ship or vessel be under the burthen of one hundred ^{ships.} tons, nor above the sum of fifteen pounds, in case the same be of that or any greater burthen; and that upon payment of either of the said respective sums, as the case shall require, to the said judge or judges, or any of them, to be by him or them disposed or divided (as he or they shall think fit) among the officers of such court, such judges and officers, and every of them, ^{Penalty on} shall be liable to all and every the several penalties hereby im- ^{neglect of} posed for neglecting or delaying to do or perform their several ^{duty.} and respective duties or offices in and relating to the several proceedings aforesaid, within the respective times herein for that purpose limited.

Party aggrieved may appeal to the Queen in council.
22 Geo. 2. c. 3.

VIII. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That if any captor or captors, claimant or claimants, shall not rest satisfied with the sentence given in such court of admiralty, it shall and may be lawful to the party or parties thereby aggrieved, to appeal from the said court of admiralty, to her Majesty in her privy council, such appeal to be allowed in the like manner as appeals to her Majesty are now allowed from the court of admiralty within this kingdom, so as the same be made within fourteen days after sentence, and good security be likewise given by the appellant or appellants, that he or they will effectually prosecute such appeal, and answer the condemnation, as also pay treble costs as shall be awarded by her Majesty in case the sentence of such court of admiralty be affirmed, and so as execution be not suspended by reason of any such appeal; any thing in this act before contained to the contrary thereof in any wise notwithstanding.

No mariner serving on board privateer, or trading ship in America, or being on shore there, liable to be impressed, unless deserters.

IX. And be it further enacted by the authority aforesaid, That no mariner or other person who shall serve on board, or be retained to serve on board any privateer, or trading ship or vessel, that shall be employed in any part of *America*, nor any mariner, or other person, being on shore in any part thereof, shall be liable to be impressed or taken away, or shall be impressed or taken away by any officer or officers of or belonging to any of her Majesty's ships of war, empowered by the lord high admiral, or any other person whatsoever, unless such mariner shall have before deserted from such ship of war belonging to her Majesty at any time after the fourteenth day of *February*, one thousand seven hundred and seven, upon pain that any officer or officers so impressing or taking away, or causing to be impressed or taken away, any mariner or other person contrary to the tenor and true meaning of this act, shall forfeit to the master, or owner or owners of any such ship or vessel, twenty pounds for every man he or they shall so impress or take, to be recovered with full costs of suit, in any court within any part of her Majesty's dominions.

Penalty.

No privateer or trading ship to entertain deserters from ships of war.

X. And for preventing the desertion of any mariners or seamen from her Majesty's ships of war, to any such trading or privateer ship or vessel, as aforesaid, be it further enacted by the authority aforesaid, That every master or commander of such trading or privateer ship or vessel, as aforesaid, shall before he shall receive or entertain any mariner, seaman, or other person to serve on board such privateer or trading ship or vessel, endeavour (by all the ways and means that he reasonably and conveniently may or can) to discover whether such mariner, seaman, or other person hath deserted from any of her Majesty's ships of war: and in case any such master or commander shall receive or entertain any mariner, seaman, or other person, on board such trading ship or privateer, as aforesaid, without such reasonable endeavour for such discovery first had and made, or which he shall know, or be informed hath deserted from any of her Majesty's ships of war, such master or commander shall forfeit

forfeit to the Queen's majesty, her heirs and successors, twenty pounds for every man he shall so receive or entertain, to be recovered with costs of suit in any court within any part of her Majesty's dominions. Penalty.

XI. And for the more effectual preventing merchant ships or privateers from harbouring or entertaining any seamen who shall desert her Majesty's service, be it further enacted by the authority aforesaid, That from and after the twenty fifth day of April, one thousand seven hundred and eight, every master of a merchant ship or vessel, and commander of a privateer, shall before he shall set sail from any port, deliver to the chief officer of the customs of the port from whence he shall set sail, an exact list of all the men belonging to such merchant ship or vessel, or privateer, containing their names, ages, and descriptions of their persons; upon pain that he shall forfeit ten pounds to her Majesty, her heirs and successors, for every such man he shall so receive and entertain on board, whose name shall not be inserted in such list, to be recovered with costs of suit in any court within any part of her Majesty's dominions. From 25 April, 1708. Commanders, &c. before they set sail from port to deliver a list of their men to officers of customs, &c. Penalty.

XII. And it is hereby further enacted, That such officer of the customs do return to such master or commander, an attested copy of such list so delivered unto him, and that upon the death or alteration of any seaman the said list be immediately altered and delivered in to the naval officer or chief officer of the customs in any port where such merchant ship or vessel, or privateer, shall arrive, in manner as aforesaid: all which said lists shall from time to time be produced and shewn to any of the captains or other officers of any of her Majesty's ships of war, demanding the same: and if any man or men belonging to any of her Majesty's ships of war, shall be found on board any merchant ship or vessel, or privateer, whose name shall not be contained in such list, as aforesaid, the master or commander of such vessel or privateer shall forfeit to her Majesty, her heirs and successors, the sum of twenty pounds for every such man which shall be so found on board, to be recovered in manner as aforesaid. Officer to return to master, upon an attested copy of such list, &c.

XIII. And for the better furnishing seamen to serve on board her Majesty's ships of war, which shall be in or about the several parts of *America*, for annoying the enemy, and protecting the trade there, it is hereby further enacted, That the master or commander of every trading ship or vessel, and every packet boat, which shall from time to time, from and after the said twenty fifth day of April, be outward-bound, and going for any part of *America*, shall be, and are hereby obliged (at the desire of any of her Majesty's officers thereunto lawfully authorized, and at the charges of her Majesty) to receive on board and carry to the port or place, whereto such trading ship, vessel, or packet boat shall be so bound, and deliver to such officer or person, to whom they shall be assigned, any number of mariners, seamen, or other persons actually entred into her Majesty's service and pay (over and above the complement of Trading ships and packet boats to America, to carry with them mariners for the Queen's ships there, &c.

mariners or seamen, which such trading ship, vessel, or packet boat usually carries, or which shall be sufficient for navigating the same for such intended voyage, not exceeding the proportion of a fifth part of the number of such usual or sufficient complement of mariners, or seamen) upon pain of forfeiting twenty pounds for every such seaman or mariner, that he or they shall refuse to take on board and carry, to be paid and recovered, as aforesaid.

On penalty.

Queen (during war) may grant commissions, &c. to take or destroy enemies ships, goods, &c. in any parts of America, &c.

And assure to them what ships, &c. they shall so take, &c.

XIV. And for the more effectual antoying her Majesty's said enemies, and abating their power and wealth in the parts of *America*, by numbers of private ships of war to be equipped and set out in a warlike manner by and at the charge of her Majesty's subjects, and encouraging her Majesty's subjects to engage in joint and united as well as separate expences, expeditions, and adventures for those purposes; be it further enacted by the authority aforesaid, That her Majesty be, and she, her heirs and successors are hereby impowered from time to time, during the continuance of the present war, to grant or make any charter, commission, or grant, charters, commissions, or grants, for the better or more effectual enabling any society or societies, or particular persons, to join in any expeditions or adventures by sea or land, for the attacking, surpising, taking, or destroying any ships, goods, moveables and immoveables, settlements, factories, creeks, harbours, places of strength, lands, forts, castles, and fortifications, now or hereafter of or belonging to or possessed by any of her Majesty's enemies, in any part or parts of *America*, and for the better making and carrying on any preparations for such purpose and purposes, and for the making and assuring to the societies and persons which may be concerned, their heirs, successors, executors, administrators, and assigns, full and undoubted properties, rights, and titles of, in and to, and the full enjoyment of all and every the ships, ammunition, stores of war, goods, chattels, moveables and immoveables, settlements, factories, places of strength or security, lands, forts, castles, and fortifications, now or hereafter of or belonging to, or possessed by any of her Majesty's enemies in any of the parts of *America*, which such society or persons shall take or cause to be taken from any of her Majesty's enemies during this present war, together with all the proceed, profits, and advantages, which may accrue of or by the same, or any of them, with and under such regulations, and in such manner and form, as her Majesty, her heirs and successors, shall think fit, and at any time or times afterwards (although the present war should be then ended) by any further grants or charters to confirm, corroborate, and further assure the premises, and every or any of them to the said societies, and persons concerned, their and every of their successors, heirs, executors, administrators, and assigns, so as to enable them, and every of them, to have, hold, and enjoy the full benefit thereof, according to the true intent and meaning of this act.

XV. Pro:

XV. Provided always, That nothing shall be contained in any charter, commission or grant, made in pursuance of this act, to exclude or restrain any of her Majesty's subjects from having a full and free trade to and in any part of *America*.

Queen's subjects to enjoy a free trade to *America*.

XVI. Provided nevertheless, and it is hereby declared to be the true intent and meaning of this act, and be it further enacted by the authority aforesaid, That it shall not be lawful to any commander of any of her Majesty's ships of war, privateer or merchant ship having letters of marque, to attack, surprize, seize, take, destroy, or offer any violence, spoil, or molestation whatsoever between *Rio la Hacha*, and the river *Chagre* on the *Spanish* coast in *America*, or within five leagues at sea of any part of that shore, to any sloop, barcolongo, canoa, or other boat, goods, or merchandizes belonging to any of the subjects of *Spain*, who shall be concerned in any intercourse of trade with any of her Majesty's subjects, or to any sloop, barcolongo, canoa, or other boat, goods, or merchandizes belonging to any of her Majesty's subjects which shall be found going to, or coming from any port or place within the limits aforesaid.

No ship to molest the subjects of *Spain*, in their trade, &c. between *Rio la Hacha* and the river *Chagre*.

XVII. And whereas by an act of parliament made in the third and fourth years of her Majesty's reign, intituled, An act for prohibiting all trade and commerce with *France*, it is, amongst other things, enacted, That the several contraband goods or merchandizes therein particularly enumerated, shall not be carried by any of her Majesty's subjects to any port or place belonging to the crown of *Spain*, nor any trade whatsoever be permitted or allowed with the subjects of *Spain*, for the said contraband goods or merchandizes; and forasmuch as some doubts may arise concerning the extent of that clause, be it therefore hereby further declared and enacted by the authority aforesaid, That the same shall not extend or be construed to restrain any of her Majesty's subjects from carrying any of the said contraband goods or merchandizes to any port or place within the limits aforesaid, but it shall and may be lawful to and for any of her Majesty's subjects to trade with the subjects of *Spain*, for the said contraband goods and merchandizes, or any of them, within the limits aforesaid; any thing in this, or in the said last recited act, or in any former act, to the contrary hereof in any wise notwithstanding.

4 & 5 Ann. c. 13.

XVIII. And whereas good and necessary laws have been made, and are still in force within several of her said Majesty's colonies or plantations in *America*, for the preventing and carrying off from the said colonies or plantations, any servant or slave, without the consent of the owner, or the carrying off from thence any other person whatsoever, until such person shall have taken out his ticket from the secretary's office within such respective colony or plantation, in such manner, and under such penalties and forfeitures, as in and by the said several laws is declared and provided; be it therefore further enacted by the authority aforesaid, That all commanders of private ships of war, or merchant ships having letters of marque, shall, upon their going into any of those ports or harbours, be subject, and they are hereby determined to be subject to the several

Commanders of privateers, &c. to be subject to the laws in relation to slaves.

veral directions, provisions, penalties, and forfeitures, in and by such laws made and provided; any thing in this act contained to the contrary hereof in any wise notwithstanding.

During war, privateers or trading ships may be navigated by foreign seamen. So as one fourth be British.

XIX. And for the better supply of mariners and seamen to serve in her Majesty's ships of war and on board privateers, merchant ships, and trading vessels, and for the better carrying on the present war, and the trade of *Great Britain*, during the continuance thereof; be it further enacted by the authority aforesaid, That during the continuance of this present war, and no longer, it shall and may be lawful for any privateer or merchant, or trading ship or vessel, to be navigated by foreign seamen or mariners, not being natives of *Great Britain*, or of any of the colonies or plantations thereto belonging, or her Majesty's natural, or naturalized subjects, so as the number of such foreign seamen or mariners do not exceed three fourths of the mariners at any one time employed to navigate such privateer or merchant or trading ship or vessel, and that one fourth at least of the mariners or seamen so employed, be at all times natives, or her Majesty's naturalized subjects of *Great Britain* (sudden death, and the hazard and casualties of war and the seas saved and excepted) one act of parliament made in the twelfth year of the reign of his late majesty King *Charles* the Second, intituled, *An act for the encouraging and encreasing of shipping and navigation*, or any other statute or law to the contrary notwithstanding.

12 Car. 2. c. 18.

Foreign seamen serving 2 years on board any British ships to be deemed natural-born subjects.

XX. And for the better encouraging of foreign mariners and seamen to come and serve on board ships belonging to the kingdom of *Great Britain*; be it further enacted by the authority aforesaid, That every such foreign mariner or seaman who shall from and after the said twenty fifth day of *April*, have faithfully served on board any of her Majesty's ships of war, or any privateer or merchant, or trading ship or ships, vessel or vessels, which at the time of such service shall belong to any of her Majesty's subjects of *Great Britain*, for the space of two years, shall, to all intents and purposes, be deemed and taken to be a natural-born subject of her Majesty's kingdom of *Great Britain*, and have and enjoy all the privileges, powers, rights, and capacities which such foreign mariner or seamen could, should, or ought to have had and enjoyed, in case he had been a natural-born subject of her Majesty's, and actually a native within the kingdom of *Great Britain*.

Queen may license 20 ships bought in foreign parts to be used for privateers.

XXI. And for the more expeditious providing of ships and vessels to be equipped and used as and for privateers for the speedy annoying her Majesty's enemies, and putting in execution the purposes by this act intended, be it further enacted by the authority aforesaid, That it shall and may be lawful for her Majesty, her heirs and successors, to grant to any person or persons who shall be actually engaged in any adventure, in pursuance of this act, a licence to buy or procure in any foreign parts, any ship or ships (first giving security to her Majesty, that such ship and ships shall be employed in such adventures) so as the whole number

number of foreign ships so to be bought and licensed, shall not exceed the number of twenty; and that such ships which shall be so bought by license of her Majesty, as aforesaid (having been equipped, set out, and employed as privateers, during the continuance of the present war) shall (after the same war ended) be to all intents and purposes deemed and taken as ships of *British* And at the end of the war be deemed British ships. *Great Britain*, and be capable of being used and employed accordingly; the said act made in the said twelfth year of the reign of his late majesty King *Charles* the Second, intituled, *An act for the increase and encouragement of shipping and navigation*, or any other statute or law to the contrary notwithstanding. 12 Car. 2. c. 18.

XXII. Provided always, and be it further enacted and declared, That it shall and may be lawful to and for all her Majesty's subjects of this kingdom, to trade into any part of *America*, to which they might lawfully have traded before the making of this act, and not otherwise. Queen's subjects may trade to any part of America.

XXIII. Provided always, That nothing in this act shall any ways extend, or be construed to take away or prejudice any of the estate, rights, or privileges of or belonging to the governor and company of adventurers of *England* trading into *Hudson's Bay*. Act not to prejudice the Hudson's Bay company.

Anno Regni ANNÆ Reginae septimo.

AT the parliament summoned to be held at Westminster the eighth day of July, Anno Dom. 1708. in the seventh year of the reign of our sovereign lady Anne, by the grace of God, of Great Britain, France, and Ireland, Queen, defender of the faith, &c. and by several writs of prorogation begun and bolden on the sixteenth day of November, 1708. being the first session of this present parliament.

continued by several adjournments till the twenty first day of April, in the eighth year of her Majesty's reign. In the record it is added, and farther continued.

CAP. I.

An act for granting an aid to her Majesty, to be raised by a land tax in Great Britain, for the service of the year one thousand seven hundred and nine. 4 s. in the pound. EXP.

CAP. II.

An act for the speedy and effectual recruiting her Majesty's land forces and marines, for the service of the year one thousand seven hundred and nine. EXP.

CAP. III.

An act for charging and continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and nine.

Inferior officers commissions not vacated by the late King's demise.

XIII. **A**ND whereas several doubts have been made, and disputes have arisen and may arise, whether on the death or demise of his late Majesty King William the Third (of glorious memory) the commissions granted to the collectors, supervisors, gagers, or other inferior officers of the excise, before his said late Majesty's demise, shall have continuance longer than six months after the death or demise of his said late Majesty: for settling whereof, be it declared by the authority aforesaid, That no commission to any sub commissioner, collector, supervisor, gager, or other inferior officer, that hath been constituted in pursuance of any commission under the great seal of England, by the chief commissioners and governors of and for the receipt of the excise, shall be determined, or made void by reason of the death or demise of his said late Majesty; but that every such commission doth remain in full force and virtue, until the authority and constitution of such officer were or shall be revoked or annulled by the chief commissioners of the excise for the time being.

Purchasers of annuities on 6 Ann. may have their quarterly payments due between Christmas, 1708. and 30 Sept. 1710. advanced, allowing discount at 4l. per cent.

CAP. IV.

EXP.

An act for punishing mutiny and desertion, and false musters, and for the better payment of the army and quarters.

CAP. V.

An act for naturalizing foreign protestants.

WHEREAS the increase of people is a means of advancing the wealth and strength of a nation; and whereas many strangers of the protestant or reformed religion, out of a due consideration of the happy constitution of the government of this realm, would be induced to transport themselves and their estates into this kingdom, if they might be made partakers of the advantages and privileges which the natural-born subjects thereof do enjoy; be it enacted, &c.

All persons taking the oaths, and making and subscribing the declaration appointed by 6 Anne, c. 23. shall be deemed natural-born subjects. No person to have the benefit of this act, unless he have received the sacrament, &c. — Repealed by 10 Anne, c. 5. Except what relates to the children of her Majesty's natural-born subjects, born out of her Majesty's allegiance. *Vide* 1 Geo. 1. stat. 2. c. 29.

Children of natural-born subjects born abroad, to be deemed natural-born subjects; explained by 4 Geo. 2. c. 21.

III. And be it further enacted by the authority aforesaid, That the children of all natural-born subjects, born out of the ligeance of her Majesty, her heirs and successors, shall be deemed, adjudged, and taken to be natural-born subjects of this kingdom, to all intents, constructions, and purposes whatsoever.

This act to extend to Ireland.

IV. And be it further enacted by the authority aforesaid, That all persons born out of the ligeance of her Majesty, her heirs or successors, who shall qualify themselves in the courts of Chancery, Queen's Bench, Common Pleas, or Exchequer, within the kingdom of Ireland, or at some general quarter sessions of the peace, to be held for the county where he or they do or shall inhabit, reside, or settle within the said kingdom, in like manner

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See 12 Ann.
ft. 1. c. 11.
f. 5.
5 W. & M.
c. 20.

3 Geo. 1. c. 8.

8 & 9 W. 3.
c. 20.

5 Annæ, c. 15.

the reign of their late majesties King William and Queen Mary, of glorious memory, intituled, An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France, the corporation or body politick of the governor and company of the bank of England was erected and established with such capacities, powers, privileges, benefits, and advantages, and subject to such restrictions, and in such manner and form as are therein mentioned; and in pursuance of the same act the sum of one million two hundred thousand pounds was advanced and lent to their said late Majesties, for which there is now payable to the said governor and company, and their successors, the yearly sum of one hundred thousand pounds out of certain rates and duties of excise, which were thereby granted to their said late Majesties, their heirs and successors; in which act it was provided, That at any time upon twelve months notice, after the first day of August, in the year of our Lord one thousand seven hundred and five, upon repayment by parliament of the said sum of one million two hundred thousand pounds, and of all the arrears of the said yearly sum of one hundred thousand pounds, then the said one hundred thousand pounds per annum, and the said corporation, should absolutely cease and determine: and whereas by another act made in the eighth year of the reign of his said late majesty King William the Third, intituled, An act for making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the bank of England, and for raising the publick credit, the said corporation was enlarged and established with divers other powers, privileges, benefits, and advantages, and subject to such other restrictions and rules as are therein particularly expressed; in which act last-mentioned it was provided and enacted, That at any time upon twelve months notice, after the first day of August, which should be in the year of our Lord one thousand seven hundred and ten, and not before, and upon repayment by parliament of the said sum of one million two hundred thousand pounds, and of all arrears of the said one hundred thousand pounds per annum, and also upon payment of all the principal and interest monies which should be owing to the said governor and company of the bank of England, upon all such tallies, Exchequer orders, or parliamentary funds, which the said governor and company should have remaining in their hands, or be entitled to at the time of such notice to be given, as aforesaid, then, and in such case, and not till then, the said one hundred thousand pounds per annum, and also the said corporation, should cease and determine: and whereas by an act made in the fifth year of your Majesty's reign (intituled, An act for continuing the duties upon houses, to secure a yearly fund for circulating Exchequer bills, whereby a sum not exceeding fifteen hundred thousand pounds is intended to be raised for carrying on the war, and other her Majesty's occasions) several duties upon houses therein mentioned or referred unto, are continued from the last day of July, one thousand seven

seven hundred and ten, and from thenceforth made payable to your Majesty, your heirs and successors for ever, for the purposes in that act expressed, subject to the proviso or condition of redemption therein contained; and the duties so continued, together with such remainder and arrears of house money, as are therein mentioned, are thereby charged with the yearly fund, after the rate of four pounds ten shillings per centum per annum, to be paid to the said governor and company of the bank of England, for circulating all such Exchequer bills as should be issued by or in pursuance of that act; and by the same act a power was given for making forth Exchequer bills for any sum not exceeding fifteen hundred thousand pounds for your Majesty's supply; and it was thereby enacted, that like bills should be made out quarterly for so much as should be computed to be due and owing upon and for the said allowance of four pounds ten shillings per centum per annum, until the feast of St. Michael the archangel, one thousand seven hundred and ten inclusively, in the manner therein mentioned; and it was thereby enacted, that the said governor and company, after the said Exchequer bills, or any of them, should be issued upon that act, as aforesaid, should, from time to time, exchange all such Exchequer bills as they should be required to exchange by any person or persons whatsoever for ready money; and that the said governor and company, and their successors, should continue and remain a corporation until all the said Exchequer bills should be redeemed and cancelled in the manner in that act mentioned; and in the same act there is contained a proviso, that at any time, upon one year's notice and payment of the principal money to be due on the said Exchequer bills, and of so much as should be due for the said allowance, after the rate of four pounds ten shillings per centum per annum, for circulating the said Exchequer bills, then, and not till then, the said Exchequer bills should be cancelled and discharged, and the said allowance after the rate of four pounds ten shillings per centum per annum, should cease and determine; and so much of the said duties on houses as should have been applied for the payment of the said four pounds ten shillings per centum per annum, in case the same had continued, shall from thenceforth be understood to be redeemed by parliament, and should not be issued, paid, or applied to any use or purpose whatsoever but by authority of parliament; and it is also thereby enacted, that the said governor and company might call in from their respective members proportionably, any sums of money as they should think necessary for the said circulation; and that until all the Exchequer bills by that act directed to be issued, should be paid off, discharged, and cancelled, no more or other bills of the like nature should be made out and issued at the receipt of her Majesty's Exchequer, either with or without the authority of parliament, unless with the consent of the said governor and company; and that nothing in that act contained should hinder the redemption of the said original fund of one hundred thousand pounds per annum, or of any other funds granted or to be granted by parliament, upon which the said governor and company had or should have lent any monies, and which were redeemable by parliament, but that the same might be redeemed from the said governor and company, according to former acts for that pur-

New subscrip-
tions for dou-
bling the pre-
sent stock of
the bank.

purpose, without redeeming the said four pounds ten shillings per centum per annum, nevertheless, without determining or settling the corporation of the said governor and company, until the said four pounds ten shillings per centum per annum, should be redeemed from them; as by the said several acts, relation being thereunto respectively had, more at large may appear: and whereas the said governor and company, for the better enabling themselves to supply the publick exigencies, did lately consent to admit new subscriptions for doubling their then present stock of two millions two hundred and one thousand one hundred seventy one pounds ten shillings, at the rate of one hundred and fifteen pounds to be paid for every one hundred pounds subscribed; and upon a commission granted by your Majesty, under the great seal of Great Britain, bearing date the sixteenth day of February, in the seventh year of your reign, to Sir Thomas Abney, and others directed, grounded upon an address of the commons of Great Britain in parliament assembled, several persons have subscribed several sums, amounting to two millions two hundred and one thousand one hundred seventy one pounds ten shillings for doubling the said stock, as aforesaid, and have paid down to the said governor and company, at or before their respective subscriptions, one fifth part of the sums by them respectively subscribed, and are to pay the remaining four fifth parts thereof, together with fifteen pounds per centum more (being in all one hundred and fifteen pounds for every one hundred pounds subscribed) in manner hereafter mentioned; all which subscriptions are contained in books of vellum or parchment for that purpose, attested by three or more of the said commissioners, and now remaining in the custody of the governor and company of the bank of England, whereof there are two duplicates made in vellum or parchment, attested by seven or more of the said commissioners, and one of the said duplicates is delivered into the office of the auditor of the receipt, and the other of them into the office of the clerk of the pells in your Majesty's Exchequer, there to remain for ever: now for the better pursuing the ends and intent of the said subscribers in making such subscriptions and payment, as aforesaid, it is hereby enacted, at the humble suit of the said governor and company of the bank of England, and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the several sums subscribed or written in the said books, amounting to the said sum of two millions two hundred and one thousand one hundred seventy one pounds ten shillings, shall be added and united, and be judged and deemed to be added and united to the stock of the said governor and company, which before such addition consisted of the like sum of two millions two hundred and one thousand one hundred seventy one pounds ten shillings, as aforesaid, so that the capital stock of the said governor and company so increased, shall be and amount, and be deemed to amount in the whole to the sum of four millions four hundred and two thousand three hundred forty three pounds; and that all and every the person and persons,

New subscrip-
tions to be ad-
ded to the ca-
pital stock of
the bank.

Total stock
4,402,343l.

ons, natives and foreigners, who have subscribed or written any sum or sums of money, or for whom any sum or sums of money have been subscribed or written in the said books of subscription, for or towards the making up the said sum of two millions two hundred and one thousand one hundred seventy one pounds ten shillings, therein compleatly subscribed, and who have paid to the said governor and company one fifth part of each subscribed sum, as aforesaid, and the executors, administrators, and assigns of such person and persons respectively, shall be, and be deemed and reputed to be members of, united to, and incorporated with the said governor and company of the bank of *England*, and shall at all times, together with the other members of the said corporation and body politick, and their successors respectively, be, and be adjudged, construed, reputed, accepted, and taken to be one body politick and corporate, by the name of *The governor and company of the bank of England*.

New subscribers incorporated with the present members of the bank.

II. And it is hereby enacted by the authority aforesaid, That the capital stock of the said governor and company, now amounting, as aforesaid, to four millions four hundred and two thousand three hundred forty three pounds, shall be assignable and transferrable in the same manner as the original capital stock of the said governor and company was assignable and transferrable before the making of this act.

Stock assignable.

III. And whereas the said governor and company of the bank of *England* so enlarged or constituted, being the better enabled by such new subscriptions and payments thereupon, as aforesaid, to serve the publick, are willing to advance and lend to her Majesty a further sum in the said yearly fund of one hundred thousand pounds, upon such terms, conditions, and advantages as are hereafter in this act expressed in relation therunto, and are willing to accept an annuity after the rate of six pounds per centum per annum, out of the said duties on houses, for all the said Exchequer bills that have been made out, or are to be made out, in pursuance of the last recited act, and to deliver up the said bills as fast as they can get them into their custody, to be cancelled, upon such terms, conditions, and advantages as are also hereafter in this act expressed, in relation to such annuity to be settled; and such bills to be cancelled, as aforesaid; and are also willing to undertake a circulation, (in the manner and form herein after mentioned) of two millions five hundred thousand pounds in other Exchequer bills to be issued for the use of the war, and other her Majesty's occasions, upon such terms, conditions, and advantages as are likewise hereafter in this act expressed in relation therunto; and are likewise willing upon the like terms, conditions, and advantages to undertake the circulation of such Exchequer bills as shall be made out quarterly, as well to discharge the allowance of three pounds per centum per annum which shall be due to the said governor and company for circulating the Exchequer bills to be issued, in pursuance of this act, from the time such bills shall begin to be issued, as also to discharge, or raise money to discharge the interest of two pence per pound for every one hundred pounds to be born upon the said bills;

5 Ann. c. 23.

until the funds, which by this act are settled and intended to discharge the said allowances for circulation and interest, shall take effect, can be sufficient for those purposes: now we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, being desirous, not only to raise the necessary supplies with as much ease to your Majesty's subjects as is possible, for the carrying on and finishing the present war with success, but also to use such ways and means in the doing thereof, as that your Majesty may have the better and more speedy effect of the said supplies, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the authority aforesaid, That the said governor and company of the bank of England so enlarged or constituted, as aforesaid, and their successors, shall advance and pay into the receipt of her Majesty's Exchequer, for her Majesty's use, the full sum of four hundred thousand pounds, or so much thereof as shall remain after deduction of such discount as is hereafter in this act allowed to be made out of the same, such payment to be made by such proportions, and at such times, as are herein after appointed for payment thereof; that is to say, one third part thereof on or before the tenth day of *May*, one thousand seven hundred and nine, one other third part thereof on or before the eight and twentieth day of *June*, one thousand seven hundred and nine, and the residue thereof on or before the five and twentieth day of *August*, one thousand seven hundred and nine.

Bank to advance 400000l. into the Exchequer, &c.

Times of payment.

Bank to have a discount of 6 per cent. &c. till 1 August, 1711.

On nonpayment may be sued,

IV. Provided always, and it is hereby declared and enacted by the authority aforesaid, That out of the said sum of four hundred thousand pounds, the said governor and company shall have and receive back, or shall and may retain and keep to their own use, by way of discount, so much as the rate of six pounds *per centum per annum*, for each sum of money which shall be actually advanced and paid for or upon account of the said sum of four hundred thousand pounds, shall amount unto, from the day of the actual payment thereof, until the first day of *August*, one thousand seven hundred and eleven: and in case the said governor and company of the bank of England shall make failure in any of the said payments, so by this act appointed to be made into her Majesty's Exchequer, as aforesaid, at or before the respective days or times before limited in that behalf, the money whereof such failure in payment shall be made, shall and may be recovered to her Majesty's use, by action of debt, or upon the case, bill, suit, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wages of law shall be allowed, or any more than one imparlance; in which action, bill, suit, or information, it shall be lawful to declare, That the said governor and company of the bank of England, are indebted to her Majesty the monies of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit, or information, there shall be further recovered to

to her Majesty's use, against the said governor and company of the bank of *England*, damages after the rate of twelve pounds *per centum*, for the monies so unpaid contrary to this act, besides full costs of suit; and the said governor and company of the bank of *England*, and their successors, and their said stock and funds, shall be and are hereby made subject and liable thereunto.

and pay damages at the rate of 12l. per cent.

V. And for the encouragement of the said governor and company of the bank of *England*, to advance and pay the said sum of four hundred thousand pounds, with such discount out of the same, as aforesaid, and to perform the other services in this act mentioned, and to the end the said governor and company, and their successors, may have a competent recompence and consideration for so doing, it is hereby declared and enacted by the authority aforesaid, That the said severall and respective provisions or conditions contained in the said recited act of the fifth year of the reign of their said late majesties King *William* and Queen *Mary*, and in the said act of the eighth year of the reign of his said late majesty King *William*, and each of them, for determining the said fund of one hundred thousand pounds *per annum*, and the said corporation of the governor and company of the bank of *England*, upon the respective notices and payments in the same respective acts mentioned, shall be, and are hereby repealed and made void; and that the said governor and company of the bank of *England*, so enlarged as aforesaid, and their successors, for ever, shall remain, continue, and be one body corporate and politick, by the name aforesaid, and shall for ever have, receive, and enjoy the said entire yearly fund of one hundred thousand pounds out of the said rates and duties of excise, together with a perpetual succession, and all abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits, and advantages whatsoever whereunto the governor and company of the bank of *England* are, or before the making of his act, were entitled by the said act of the fifth year of the reign of their said late majesties King *William* and Queen *Mary*, and by the said act of the eighth year of the reign of his said late majesty King *William*, or either of them, or by any other act or acts of parliament, grants, or charters whatsoever now in force; all which are by this act ratified and confirmed to the said governor and company so enlarged, and their successors the said allowance after the rate of four pounds ten shillings *per centum per annum*, for circulating of Exchequer bills, and the powers only concerning such circulation, given by the said act of the fifth year of her now Majesty's reign, excepted) freed and discharged of and from the said provisions and conditions of redemption hereby repealed, or intended to be repealed, as aforesaid, and all other provisions, powers, acts, matters, and things whatsoever heretofore had, made, done, or committed, for re-learnung, determining, or making void the said corporation or yearly fund of one hundred thousand pounds, and the said abilities, capacities, powers, authorities, franchises, exemptions,

Provisoes in 5 W. & M. c. 20. and 8 W. 3. c. 20. for determining the yearly fund and corporation, repealed.

Privileges of the bank confirmed.

5 W. & M. c. 20. 8 & 9 W. 3. c. 20.

privileges, profits, and advantages, or any of them; subject nevertheless to such restrictions, rules, and directions, and also to such other agreements, matters, and things, as in the said acts and charters, or any of them now in force, are contained or prescribed; and also subject to the power and condition of redemption hereafter in this act contained in this behalf.

On 12 months notice after 2 Aug. 1732. and on repayment, &c. yearly fund to cease.

Repealed by 12 Ann. stat. 2. c. 17. s. 23. and farther provisions relating hereto,

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That at any time upon twelve months notice, after the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and thirty two, and not before, and upon repayment by parliament to the said governor and company of the bank of *England*, or their successors, as well of the said sum of one million two hundred thousand pounds formerly advanced, as of the sum of four hundred thousand pounds before-mentioned, amounting in the whole to the sum of sixteen hundred thousand pounds, without any deduction, discount, or abatement whatsoever, to be made out of the said sum of sixteen hundred thousand pounds, or any part thereof; and upon payment to the said governor and company, and their successors, of all arrears of the said one hundred thousand pounds *per annum*, and all the principal and interest money, which shall be owing unto them upon all such tallies, Exchequer orders, or parliamentary funds, which the said governor and company, or their successors, shall have remaining in their hands, or be entitled to at the time of such notice to be given, as aforesaid, (such funds for redemption whereof other provision is afterwards made, in and by this act, only excepted) then and in such case, and not till then, the said yearly fund of one hundred thousand pounds shall cease and determine.

VII. And be it further enacted by the authority aforesaid, That from and after such repayment by parliament, of the said sixteen hundred thousand pounds, and payment of all arrears of the said one hundred thousand pounds *per annum*, and of all the principal and interest on such tallies, Exchequer orders, and parliamentary funds aforesaid, shall be made to the governor and company of the bank of *England*, and also redemption shall be made by parliament of the annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings and five pence *per annum*, hereafter in this act settled and made payable to the said governor and company, and their successors, in manner and form herein after-mentioned, and likewise from and after all the Exchequer bills, which are to be made forth in pursuance of this act, shall be entirely discharged and cancelled in manner herein after-mentioned, and payment made to the said governor and company of the said allowances hereafter made for circulating the said Exchequer bills, that then, and not till then, the said corporation of the governor and company of the bank of *England*, shall cease and determine, but till then, the said governor and company shall continue a corporation, and shall have and enjoy all the powers and privileges they are now entitled

and corporation to determine.

entitled unto by virtue of any charter, act, or acts of parliament heretofore granted or made.

VIII. *And whereas the Exchequer bills which were made forth in* 5 Ann. c. 13,
pursuance of the said act of the fifth year of her Majesty's reign,
for her Majesty's supply, did and do amount to the said full sum of
fifteen hundred thousand pounds, and the quarterly bills authorized
to be made forth in pursuance of the same act, for the said rate of
four pounds ten shillings per centum per annum, and the allowance
thereupon, until and for the quarter ended at Lady-day one thousand
seven hundred and nine inclusive, do amount to the further sum of one
hundred twenty three thousand three hundred thirty seven pounds eigh-
teen shillings and one penny half penny; in both, to one million six hun-
dred twenty three thousand three hundred thirty seven pounds eighteen
shillings and one penny half penny, as by a certificate signed by the au-
ditor of the receipt of her Majesty's Exchequer, bearing date the first
day of April, one thousand seven hundred and nine, doth appear; and
the interest of the said sum of one million six hundred twenty three
thousand three hundred thirty seven pounds, eighteen shillings, and one
penny half penny, after the rate of six pounds per centum per an-
num for six quarters, to be reckoned from Lady-day one thousand
seven hundred and nine, to Michaelmas one thousand seven hundred
and ten, being computed and made principal at the end of each quar-
ter, doth amount to one hundred fifty one thousand six hundred eighty
nine pounds, nineteen shillings, and nine pence more; and being added
to the sum last-mentioned, the whole will amount to the sum of
one million seven hundred seventy five thousand twenty seven
pounds, seventeen shillings, ten pence half penny, for which an an-
nuity or yearly fund, computed after the rate of six pounds per cen-
tum per annum, doth amount to one hundred and six thousand five
hundred and one pounds, thirteen shillings, and five pence per an-
num: now for the encouragement of the said governor and
company of the bank of England, by this and the said former
acts established, as aforesaid, to pay off, discharge, and cancel
all the Exchequer bills which have been issued, or were autho-
rized to be issued by the said act of the fifth year of her Maje-
sty's reign, as aforesaid; and to the end the said governor and 5 Ann. c. 13,
company, and their successors, may have a competent recom-
pence and consideration for so doing, and for their said allow-
ance after the rate of four pounds ten shillings per centum per an-
num, and for all their demands relating thereunto, according to
the true meaning of this act; we your Majesty's said dutiful and
loyal subjects the said commons of Great Britain in parliament
assembled, do humbly pray that it may be enacted; and be it
enacted by the authority aforesaid, That from and after the said
feast of Saint Michael the archangel, which shall be in the year of
our Lord one thousand seven hundred and ten, the said governor
and company of the bank of England, by this and the said former
acts established, as aforesaid, and their successors, for ever,
(subject nevertheless to the proviso of redemption herein after
sometime in this behalf) shall have, receive, and enjoy, and be
entitled by virtue of this act, to have, receive, and enjoy one
annuity

For discharg-
ing all the Ex-
chequer bills
issued by 5
Annæ. c. 13,
after Michael-
mas, 1710.
Bank entitled
to a yearly an-
nuity of
106,501 l. 13 s.
5 d. out of the
duty on hou-
ses.

land five hundred and one pounds, thirteen shillings and five pence, the same shall and may be issued upon the said order or orders for or towards the discharging of the said annuity, to grow due for and at the end of the quarter in which such payments shall be made, so as such weekly or other payments do not exceed the sum of the quarterly payment which should grow due for or at the end of every such quarter respectively.

XI. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of the bank of *England* and their successors, at any time or times, by writing under their common seal, to assign the said annuity or yearly sum of one hundred and six thousand five hundred and one pounds, thirteen shillings and five pence, or any part thereof, or any interest therein, to any person or persons whatsoever, and so *toties quoties*, and no such assignment shall be revocable, so as an entry or memorandum thereof be made in the books to be kept for that purpose in the said office of the auditor of the receipt.

Bank may assign the yearly annuity.

XII. And it is hereby further enacted, That the said annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings and five pence *per annum*, and every part thereof, shall be adjudged to be a personal and not a real estate, and shall not be liable to any foreign attachment; any law or custom to the contrary notwithstanding.

Annuity a personal estate, &c.

XIII. And for the better securing the said annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings and five pence *per annum*, unto the said governor and company of the bank of *England*, by this and the said former acts established, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That such duties on houses, and such remains and arrears of house-money, as by the said act of the fifth year of her Majesty's reign were charged with the said allowance of four pounds, ten shillings *per centum per annum*, shall continue and be payable to her Majesty, her heirs and successors, for satisfying and discharging the said annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings and five pence *per annum*, and shall be raised, levied, received, issued, accounted for, appropriated, and applied thereunto, under the same rules, directions, penalties, forfeitures, and disabilities, as are prescribed by the said act of the fifth year of her Majesty's reign, touching the raising, levying, collecting, issuing, appropriating, applying, and accounting for the same; nevertheless freed and discharged of and from the proviso or condition of redemption, which was so contained in the said act of the fifth year of her Majesty's reign, and all other provisos and conditions of redemption whatsoever (the proviso or condition hereafter in this act contained for redeeming the said duties on houses, and the said annuity payable out of the same, only excepted;) the said act of the fifth year of her Majesty's reign, or any thing therein contained to the contrary notwithstanding.

Duty on houses continued for discharging the annuities.

5 Annæ, c. 23.

See 2 Geo. 2. c. 3.

On 12 months notice, and repayment of 2,775,027 l. 17 s. 10 d. ob. Annuity to cease,

XIV. Provided always, and it is hereby enacted by the authority aforesaid, That at any time, upon one year's notice to the said governor and company, or their successors, and upon full payment to them of the said sum of one million seven hundred seventy five thousand twenty seven pounds, seventeen shillings, and ten pence halfpenny, and of all arrears of the said annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings, and five pence *per annum*, if any shall be then due, then and not till then, the said annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings, and five pence *per annum*, shall from thenceforth cease and determine, and then also the said duties on houses shall be understood to be redeemed by parliament, and shall not be issued, paid, or applied to any other use or purpose whatsoever, but by authority of parliament; any thing herein contained to the contrary thereof in any wise notwithstanding.

and the said duties on houses to be understood to be redeemed.

Original fund, &c. may be redeemed without redemption of the annuity.

XV. Provided nevertheless, That nothing in this act contained for or concerning the redemption of the said duties on houses, or the said annuity hereby charged thereupon, shall in any wise prevent or hinder the redemption of the said original fund of one hundred thousand pounds *per annum*, pursuant to the abovesaid proviso in that behalf, or of any the funds herein after settled, for circulating the Exchequer bills hereafter to be made out, in pursuance of this act, but that the same respectively may be redeemed from the said governor and company, or their successors, according to the respective provisos or conditions in this act contained for those purposes, without redemption of the said annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings, and five pence *per annum*.

5 Ann. c. 13.

XVI. *And to the end all the said Exchequer bills which have been issued by or in pursuance of the said act of the fifth year of her Majesty's reign, which amounted, as aforesaid, to fifteen hundred thousand pounds, for her Majesty's supply, and to one hundred twenty three thousand three hundred thirty seven pounds, eighteen shillings, and one penny halfpenny, in quarterly bills, computed to Lady-day, one thousand seven hundred and nine, as aforesaid, may be speedily paid off, discharged, and cancelled; and that her Majesty and her Exchequer may be effectually discharged of and from all demands of any quarterly bills which were intended to be issued by that act, after Lady-day, one thousand seven hundred and nine, until and for the quarter to end at Michaelmas, one thousand seven hundred and ten inclusively; and that the said duties on houses by this act made a security for payment of the said annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings, and five pence per annum, may be free and clear from all pretences to the said former allowance of four pounds ten shillings per centum per annum, and all other incumbrances whatsoever; it is hereby provided and enacted, &c.*

Bank to deliver up all Exchequer bills in their hands on 31 March, 1709, to be cancelled, and discharge all the rest as fast as they can be gotten in. Treasury to fix a peremptory day, after 24 June, for cancelling the remainder.

mainder, Bill, &c. before 31. March, 1709, on oath before a baron, and security, bank to pay the same, &c. Allowance of 4 l. 10 s. per cent. determined. 5 Annæ, c. 13. bills to be issued out at the treasury, not exceeding 2,500,000 l. Such bills to bear interest at 2 d. per diem for every 100 l. Bank to have an allowance of 3 l. per cent. for circulating, &c. But such allowance to cease in proportion as the said bills shall be discharged E X P. and cancelled.

XXII. And for the encouragement of the said governor and company of the bank of England, by or in pursuance of this and the said former acts constituted, as aforesaid, and their successors, to undertake the circulation not only of the said bills, not exceeding two millions five hundred thousand pounds, to be issued for her Majesty's supply, as aforesaid, but also of the quarterly bills to be made forth in such manner and form as are herein after-mentioned; and to the end a sufficient fund may be settled, and provision made, as well for the payment of the interest after the rate of two pence per centum per diem, to be born upon all the bills to be issued in pursuance of this act, and the premium or allowance, after the rate of three pounds per centum per annum, which the said governor and company, and their successors, are so receive for circulating the same in the manner and form herein after expressed, until all the said bills to be issued in pursuance of this act, shall be paid off and cancelled; and for establishing a sufficient fund for paying off, and cancelling all the Exchequer bills to be issued forth in pursuance of this act in reasonable time; we your Majesty's said dutiful and loyal subjects the commons of Great Britain in parliament assembled, do further give and grant unto your Majesty the several subsidies, duties, impositions, and sums of money herein after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the authority aforesaid in manner following, that is to say, *Whereas by an act made in the sixth year of her Majesty's reign for continuing (amongst other things) the duties called The two third subsidies of tonnage and poundage, it was enacted, That (over and above the subsidies, and other payments therein mentioned) there should be paid to her Majesty one other subsidy called Tonnage, for and upon all wines which from and after the seventh day of March, one thousand seven hundred and eight, at any time or times within or during the space of three years from thence next or immediately ensuing, should be imported or brought into Great Britain, that is to say, two third parts of such or the like several and respective duties as by an act of the ninth year of the reign of his said late majesty King William the Third, were granted to his Majesty during his life, and by an act of the first year of her Majesty's reign, are continued and payable during her Majesty's life, for and upon any kind of wine or wines respectively; and one other subsidy called Poundage, of all manner of goods and merchandizes that should be imported or brought into Great Britain, at any time or times from and after the said seventh day of March, one thousand seven hundred and eight, within or during the said term of three years, by way of merchandize, that is to say, two third parts of such or the like several and respective duties as by the said act of the ninth year of his said late Majesty's reign were granted, and by the said act of the first year of her Majesty's reign continued, and payable*

Recital of
6 Annæ, c. 22.
relating to the
two third
subsidies.

9 & 10 W. 3.
c. 23.

1 Annæ, stat.
1. c. 7.

able for and upon the same goods and merchandizes respectively (except tobacco, and such currans as should be imported in English built shipping, navigated according to the laws then in force, and sugar from the English plantations, and such goods and other merchandizes, as by the two acts last-mentioned, or either of them, were exempted from payment of the subsidies thereby granted:) now it is hereby enacted by the authority aforesaid, That the said subsidies and duties so granted by the said act of the sixth year of her Majesty's reign for the term of three years, as aforesaid, shall be continued upon all wines, goods, and merchandizes imported or brought into Great Britain (except before excepted) at any time or times from and after the expiration of the said term of three years, and shall be paid and payable from thenceforth to her Majesty, her heirs and successors, for ever, for the purposes in this act expressed, subject nevertheless to the proviso or condition of redemption herein after contained and relating thereunto.

Two third subsidies continued for ever.
6 Ann. c. 22.

Subsidies how to be raised.

XXIII. And be it enacted by the authority aforesaid, That the same subsidies or duties by this act continued, as aforesaid, and every of them respectively, shall be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and subject to such drawbacks, allowances, and repayments, and in such manner and form, in all respects, as the like subsidies or duties continued by the said act of the sixth year of her Majesty's reign, are thereby, or by any other act or acts, laws or statutes, whereunto that act hath reference, prescribed, enacted, or appointed to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for during the continuance thereof; and that all such of the powers, directions, penalties and forfeitures, clauses, matters, and things, provided, settled, or established by the said act of the sixth year of her Majesty's reign, or by any other act or acts now in force whereunto that act hath relation, for the better raising, levying, recovering, answering, or paying the respective subsidies or duties thereby continued, or for making any drawbacks, repayments, or allowances out of any of the said subsidies or duties upon exportation, shall be revived and be continued, and be in force and virtue during the continuance of this act, in as full and ample manner, to all intents and purposes, as if the said powers, directions, penalties, forfeitures, clauses, matters, and things, and every of them, were again repeated and re-enacted in the body of this present act.

6 Ann. c. 22.

European linens, sisters threads, &c. exempted.
Explained by 12 Annæ, stat. 2. c. 21. as to unwrought incl.
6 Annæ, c. 22.

XXIV. Provided always, and it is hereby enacted by the authority aforesaid, That all European linens, sisters threads, and tapes, or incl, linseed and flax, shall be exempted from the payment of the said duties, called the two third subsidies, during the continuance of the same by virtue of this act.

XXV. And whereas the said subsidies or duties last-mentioned were by the said act of the sixth year of her Majesty's reign made subject and liable (inter alia) to the securing, payment and satisfaction of all

the principal and interest monies, which should, from time to time, remain unsatisfied, of and for certain loans not exceeding the sum of six hundred thirty six thousand nine hundred fifty seven pounds, four shillings, and a halfpenny, borrowed upon a former act therein mentioned: now it is hereby further declared and enacted by the authority aforesaid, That immediately from and after the time that the sum now remaining unsatisfied of the loans, not exceeding the said sum of six hundred thirty six thousand nine hundred fifty seven pounds, four shillings, and a halfpenny, and the interest thereof shall be fully paid off and discharged, or that sufficient money shall be reserved in the Exchequer for that purpose, out of the monies arising or to arise by the last-mentioned subsidies or duties, then all the monies which from thenceforth, during the remainder of the said term of three years, shall or may arise by the said last-mentioned subsidies or duties (except the necessary charges of raising, levying, collecting, and accounting for the same) shall, from time to time, be paid into the receipt of her Majesty's Exchequer, distinctly, for the purposes in this act expressed, and for no other use, intent, or purpose whatsoever.

XXVI. And whereas by the said act of the sixth year of her Majesty's reign, it was, amongst other things, enacted, That the duties upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and upon muslins, and the increased or new additional rates and duties upon all coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and the further rates and sums charged or imposed for and upon all white calicoes, porcelain, commonly called China ware, and drugs (except drugs for dying) in the said act mentioned, should be continued, and be paid and payable unto her Majesty, her heirs and successors, for and upon the same commodities and merchandizes respectively, which should be imported into Great Britain, from and after the twenty third day of June, one thousand seven hundred and ten, at any time or times within or during the term of four years from thence next and immediately ensuing: now it is hereby enacted by the authority aforesaid, That the said duties upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and the said further rates and sums charged or imposed upon all white calicoes, porcelain, commonly called China ware, and drugs (except drugs for dying) so continued by the said act of the sixth year of her Majesty's reign, for the term of four years, as aforesaid, shall be further continued, for and upon the same commodities and merchandizes respectively (except before excepted) which shall be imported or brought into Great Britain, at any time or times from and after the expiration of the said term of four years, and shall be paid and payable to her Majesty, her heirs and successors for ever, for the purposes in this

After the loans on 6 Annæ, c. 22. are satisfied, the remainder to be reserved for the purposes of this act.

6 Ann. c. 22.

See 8 Geo. 1. c. 15. s. 17.

Duties on coffee, tea, &c. continued for ever.

The additional duties repealed by 10 Geo. 1. c. 10.

18 Geo. 2. c. 26.

and new ones imposed. Drugs for dying excepted. Subject to a proviso of redemption.

act expressed, subject nevertheless to the proviso and condition of redemption herein after contained and relating thereunto.

Duty on coffee, &c. how to be raised.

XXVII. And be it further enacted by the authority aforesaid, That the said last-mentioned rates, duties, and sums of money, by this act continued, as aforesaid, and every of them respectively, shall be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, by such rules, ways, means, and methods, and under such penalties and forfeitures, and with such distribution of the said penalties and forfeitures, and subject to such drawbacks, allowances, and repayments, and in such manner and form in all respects, as the like rates, duties, and sums of money continued by the said act of the sixth year of her Majesty's reign, are thereby, or by any other act or acts, laws, and statutes whereunto that act hath reference, prescribed, enacted, or appointed, to be ascertained, secured, raised, levied, recovered, answered, paid, and accounted for, during the continuance thereof, and that all such of the powers, directions, penalties, and forfeitures, clauses, matters, and things, provided, settled, or established by the said act of the sixth year of her Majesty's reign, or by any other act or acts now in force, whereunto that act hath relation, for the better ascertaining, raising, levying, recovering, answering, or paying the respective rates, duties, and sums of money upon coffee, cocoa nuts, and other the last-mentioned commodities thereby continued, or for making any drawbacks, repayments, or allowances out of any of the said rates, duties, and sums of money, upon exportation, shall be revived, and be continued and be in force and virtue during the continuance thereof by this act, in as full and ample manner, to all intents and purposes, as if the said powers, directions, penalties, forfeitures, clauses, matters and things, and every of them, were again repeated and re-enacted in the body of this present act.

6 Ann. c. 22.

XXVIII. *And whereas the rates, duties, and sums of money upon coffee and other the enumerated commodities last-mentioned, were by the said act of the sixth year of her Majesty's reign made subject and liable to and for the securing, paying, and satisfying all the principal and interest monies which should, from time to time, remain unsatisfied of or for certain loans, not exceeding the sum of seven hundred thousand pounds, borrowed upon a former act therein mentioned:* now it is hereby further declared and enacted by the authority aforesaid, That immediately from and after the time that the sum now remaining unsatisfied of the loans, not exceeding the said sum of seven hundred thousand pounds, and the interest thereof, shall be fully paid off and discharged, or that sufficient money shall be reserved in the Exchequer for that purpose, then all the monies which from thenceforth, during the then remainder of the said term of four years, shall or may arise by the said duties on coffee and other the commodities last enumerated (except the necessary charges of raising, levying, collecting, answering, and recounting for the same) shall from time to time, be paid into the receipt of her Majesty's Exchequer, distinctly

6 Ann. c. 22.

After the former loans are satisfied, the remainder reserved for the purposes of this act.
3 & 4 Ann.,
c. 4.

for

or the purposes in this act expressed, and for no other use, intent, or purpose whatsoever.

XXIX. And whereas several subsidies of tonnage and poundage, and other duties and sums of money upon wines, goods, and merchandizes, were given and granted to his late majesty King Charles the Second, of blessed memory, for his life, by an act of parliament made in the twelfth year of his reign, intituled, A subsidy granted to the King, of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported, and by the book of rates thereunto annexed; which subsidies of tonnage and poundage, and other duties and sums of money upon wines, goods, and merchandizes, as well exported as imported (with some alterations) were, by several subsequent acts, granted to continue until the first day of August, one thousand seven hundred and ten; and by an act made in the fifth year of her now Majesty's reign, intituled, An act for continuing several subsidies, impositions, and duties, and for making provisions therein mentioned, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for ascertaining the wine measure, the said subsidies of tonnage and poundage, and other duties and sums of money last-mentioned, were enacted to continue and be payable to her Majesty for and upon all wines, goods, and merchandizes which should be imported at any time or times between the last day of July, one thousand seven hundred and ten, and the first day of August, one thousand seven hundred and twelve: And whereas by an act made in the sixth year of her Majesty's reign, intituled, An act for continuing the half subsidies therein mentioned, with several impositions, and other duties, to raise money by way of loan for the service of the war, and other her Majesty's necessary and important occasions, and for charging of prize goods and seizures, and for taking off the drawbacks of foreign cordage, and to obviate the clandestine importation of wrought silks, it was enacted, amongst other things, That over and above all other subsidies, additional duties, impositions, and payments whatsoever, by any former or other act or acts of parliament, or otherwise howsoever, then due or payable, or which then ought to be paid to her Majesty for or upon any wines, goods, or merchandizes whatsoever, imported or to be imported, there should be raised, levied, collected, paid, and satisfied unto her Majesty, her heirs and successors, for and upon all wines, goods, and merchandizes, which at any time or times from and after the last day of July, one thousand seven hundred and twelve, and before the first day of August, one thousand seven hundred and fourteen, should be imported or brought into Great Britain, one moiety or half part of such and the like several and respective subsidies, duties, and sums of money, as by the said act of the fifth year of her Majesty's reign were charged or payable within or during the term thereby granted or limited, for or upon the like imported wines, goods; and merchandizes respectively (except such goods and other merchandizes as by the said act of the fifth year of her Majesty's reign, or by any law in force at the making of the said act of the sixth year of her Majesty's reign, were exempted from the payment of the subsidies or duties which

12 Car. 2. c. 4.

5 Ann. c. 27.

6 Ann. c. 19.

5 Ann. c. 27.

6 Ann. c. 19.

12 Car. 2. c. 4. which were first granted in the twelfth year of the reign of King Charles the Second, as aforesaid: now it is hereby enacted by the authority aforesaid, That the said one moiety or half part of the said subsidies, duties, and sums of money, granted by the said last-mentioned act of the sixth year of her Majesty's reign upon wines, goods, and merchandizes imported, as aforesaid, into Great Britain (except as in the same act is excepted) shall from and after the last day of July, one thousand seven hundred and fourteen, be further continued and charged, and shall be paid and payable to her Majesty, her heirs and successors, for ever, for the purposes in this act expressed, subject nevertheless to the proviso or condition of redemption herein after contained, and relating thereunto.

Half subsidies of 6 Ann. continued for ever. 6 Ann. c. 19.

XXX. And it is hereby enacted by the authority aforesaid, That in all cases where by the said last-mentioned act of the sixth year of her Majesty's reign, any drawbacks or abatements are to be made of the whole, or any part of the duties thereby imposed on any wines, goods, or merchandizes imported, there shall be in the like cases, the like proportional drawbacks and abatements made of the whole or part of the duties by this act imposed upon the same wines, goods, and merchandizes respectively; and that the said moiety or half part of the said subsidies, duties, and sums of money by this act granted, shall be raised, collected, levied, secured, and paid within and throughout the whole kingdom of Great Britain, by the same ways, means, and methods, and under such penalties, and forfeitures, and with such allowances, and subject to such rules and directions, as in and by the said last-mentioned act of the sixth year of her Majesty's reign, or by any other act or acts therein referred unto, are prescribed or appointed, for the raising, levying, collecting, securing, and paying the said moiety or half part of the same subsidies, duties, and sums of money granted by the same act of the sixth year of her said Majesty's reign; and that every article, rule, and clause contained in the said last-mentioned act of the sixth year of her Majesty's reign, or in any act or acts of parliament therein mentioned, or thereby referred unto, for raising, collecting, levying, securing, and paying the said moiety or half part of the said subsidies, duties, and sums of money upon wines, goods, and merchandizes thereby granted, as aforesaid, during the continuance thereof, are and shall be by force of this act revived, and shall be used, exercised, and put in practice, for the raising, levying, collecting, and answering the said moiety or half part of the subsidies, duties, and sums of money upon wines, goods, and merchandizes by this act granted or imposed, as aforesaid, and all arrears of the same, from time to time, for the uses and purposes in this act expressed, as fully and effectually, as if the same articles, rules, and clauses, and every of them, were again particularly, and at large recited and re-enacted in the body of this present act, excepting only as to such of the said articles, rules, and clauses touching which other provisions, alterations, or exemptions are made by any act or acts of parliament

Same drawbacks, &c. as by the former acts. 6 Ann. c. 19.

Former powers for levying the duty continued. 6 Ann. c. 19.

liament now in being, which other provisions, alterations, or exemptions, shall be observed, with respect to the moiety or half part of the subsidies, duties, or sums of money upon wines, goods, and merchandizes hereby continued, as aforesaid, in the same manner as they are to be observed with respect to the said moiety or half part of the said subsidies, duties, or sums of money formerly granted, as aforesaid.

XXXI. *And whereas the said one moiety or half part of the said subsidies, duties, and sums of money upon wines, goods, and merchandizes, together with several other impositions, subsidies, and duties mentioned in the said last-mentioned act of the sixth year of her Majesty's reign, were by that act made subject and liable to the securing, payment, and satisfaction of certain loans of any sums which should not exceed in the whole seven hundred twenty nine thousand six hundred and seventy seven pounds, fifteen shillings, and six pence three farthings, borrowed or authorized to be borrowed thereupon, and such further sums for payment of interest as are therein mentioned or referred unto: now* 6 Ann. c. 19:
 it is hereby further declared and enacted by the authority aforesaid, That immediately from and after the time that all the said loans, not exceeding seven hundred twenty nine thousand six hundred and seventy seven pounds, fifteen shillings, and six pence three farthings, borrowed, or authorized to be borrowed, as aforesaid, and all the interest monies secured, or intended to be secured by the said last-mentioned act of the sixth year of her Majesty's reign, shall be paid off and discharged in the manner in the same act mentioned, or that sufficient money shall be reserved in the Exchequer for that purpose, out of the monies arising or to arise by the subsidies, duties, and impositions thereby appropriated thereunto, then all the monies which from thenceforth, until the said first day of August, one thousand seven hundred and fourteen, shall or may arise by the said moiety or half part of the subsidies, duties, and sums of money upon wines, goods, and merchandizes by the said former acts granted, and by this act continued, as aforesaid (except the necessary charges of raising, levying, collecting, and accounting for the same) shall, from time to time, be paid into the receipt of her Majesty's Exchequer distinctly for the purposes in this act expressed, and for no other use, intent, or purpose whatsoever. After the loans upon 6 Ann. c. 19. are discharged, remainder to be applied to the purposes of this act.

XXXII. *And whereas by another act of the sixth year of her Majesty's reign, intituled, An act for continuing one half part of the subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King Charles the Second, and for settling a fund thereby, and by other ways and means, for payment of annuities, not exceeding eighty thousand pounds per annum, to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses therein expressed, it was, amongst other things, enacted, That ever and above all other subsidies, additional duties, impositions, and payments whatsoever, by any former or other act or acts of parliament, or otherwise howsoever, then due or payable,* 6 Ann. c. 11.

- payable, or which ought to be paid to her Majesty, for or upon any wines, goods, or merchandizes whatsoever, imported or to be imported, there should be raised, levied, collected, paid, and satisfied unto her Majesty, her heirs and successors, for and upon all wines, goods, and merchandizes, which at any time or times from and after the last day of July, one thousand seven hundred and twelve, within or during the term of ninety six years from thence next and immediately ensuing
- 5 Ann. c. 27. should be imported or brought into Great Britain, one moiety or half part of such and the like several and respective subsidies and duties, and sums of money, as by the said act of the fifth year of her Majesty's reign, therein mentioned, are charged or payable within or during the term or time thereby granted or limited for or upon the like imported wines, goods and merchandizes respectively, except such goods and other merchandizes as by the said last-mentioned act of the fifth year of her Majesty's reign, or by any law in force, were exempted from the payment of the subsidies or duties which were first granted in the
- 12 Car. 2. c. 4. twelfth year of the reign of King Charles the Second, as aforesaid, And whereas a sum not exceeding in the whole the sum of eighty thousand pounds per annum, to arise by and out of the said last-mentioned moiety or half part of the said subsidies, duties, and sums of money upon wines, goods, and merchandizes, is by the said last-mentioned act of the sixth year of her Majesty's reign appropriated for and
- 6 Ann. c. 11. during the said term of ninety six years for the payment of annuities to be purchased in pursuance of that act; in which said act it is provided and enacted, That if at the end of any quarter of a year of the term for which the annuities upon that act were to be purchased, the monies arising at the Exchequer of or for the said half subsidies and duties by that act appropriated (certain contribution money therein mentioned to be reserved, being excepted) should exceed all the monies then due for or upon the same annuities and all arrearages thereof, then or at any time or times before that time incurred, so that there should be an excess or surplus remaining in the Exchequer, such excess or surplus should be disposable, from time to time, for the publick use and service, and not otherwise: now it is hereby enacted by the authority aforesaid, That the said excess or surplus which shall from time to time arise of and from the last-mentioned moiety or half part of the said subsidies, duties, and sums of money upon wines, goods, and merchandizes, after payment and satisfaction, or reserving at the receipt of her Majesty's Exchequer, from time to time, sufficient to pay and satisfy the said annuities, not exceeding in the whole the sum of eighty thousand pounds per annum, charged upon the said last-mentioned moiety or half part of the subsidies, duties, or sums of money upon wines, goods, and merchandizes by the said last-mentioned act of the sixth year of her Majesty's reign, during the said term of ninety six years, (except the necessary charges of raising, levying, collecting, ascertaining, and accounting for the same) and also all arrearages of the said last-mentioned moiety or half part of the said subsidies, duties, and sums of money upon wines, goods, and merchandizes, (not already appropriated, or to be applied by any former act or acts of parliament in that behalf) shall

Excess or surplus arising of the annuity act 6 Annæ.

6 Ann. c. 11.

to be kept apart in the Exchequer for the purposes of this act.

as the same shall arise, be kept distinct and apart in her Majesty's Exchequer for the purposes in this act expressed, and for no other use, intent, or purpose whatsoever.

XXXIII. And it is hereby declared and enacted by the authority aforesaid, That the said subsidies of tonnage and poundage, and other duties commonly called by the name of *The two third subsidies*, which from and after the expiration of the said term of three years formerly granted therein, as aforesaid, shall arise, grow due, or become payable by virtue of this act to her Majesty, her heirs and successors, and all the monies which from and after the paying off and discharging all the said loans, not exceeding six hundred thirty six thousand nine hundred fifty seven pounds, four shillings and a half penny, and all the interest thereof, shall or may arise during the then remainder of the said term of three years of or for the said subsidies and duties, commonly called *The two third subsidies*, granted or continued by the said act of the sixth year of her Majesty's reign; and the said duties upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures, and upon muslins, and the increased or new additional rates and duties upon all coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, and pictures; and the further rates and sums charged or imposed for and upon all white callicoes, porcelain, commonly called *China wares*, and drugs, which from and after the expiration of the said term of four years formerly granted therein, as aforesaid, shall arise, grow due, or become payable by virtue of this act to her Majesty, her heirs and successors; and all the monies which from and after the paying off and discharging all the said loans, not exceeding seven hundred thousand pounds, and all the interest thereof, shall or may arise during the then remainder of the said term of four years of and in the said duties, and additional or further duties on coffee, and other the enumerated commodities last-mentioned, granted by the said act of the sixth year of her Majesty's reign; and the said half subsidies and other duties which from and after the said last day of *July*, one thousand seven hundred and fourteen, shall arise, grow due, or become payable by virtue of this act to her Majesty, her heirs and successors; and all the monies which from and after the paying off and discharging all the said loans, not exceeding seven hundred twenty nine thousand sixty seven pounds, fifteen shillings and six pence three farthings, borrowed or authorized to be borrowed, as aforesaid, and all the interest monies secured, or intended to be secured by the said act of the sixth year of her Majesty's reign in that behalf, or reserving sufficient money in the Exchequer, for that purpose, as aforesaid, shall or may arise of or for the like half subsidies or duties by the same act of the sixth year of her Majesty's reign until the said first day of *August*, one thousand seven hundred and fourteen, and all the monies which (at the end of any quarter of a year of the term for which the said annuities not exceeding eighty thousand pounds *per annum* upon the said other act of the sixth year of her Majesty's

The two third subsidies.

6 Ann. c. 22.

The duty on coffee, &c.

The duty on callicoes, &c.

Half the old subsidy, &c.

6 Ann. c. 22.

6 Ann. c. 11,

made a general fund for paying off and cancelling the bills, &c.

Majesty's reign are purchased) shall arise at the Exchequer of or for the other half subsidies or duties by that act appropriated, over and above the monies then due for or upon the same annuities, or for arrearages thereof, then or at any time or times before that time incurred, as aforesaid, (the necessary charges of raising, levying, collecting, answering, paying, and accounting for the said subsidies, duties, surplus monies, remains, and arrears respectively, and the charges of making and issuing all the Exchequer bills to be made forth or issued in pursuance of this act, always excepted and foreprized) are and shall be a general fund and security, as well for satisfying and paying, from time to time, all such monies as shall be due or payable according to the true meaning of this act, for the said interest to be born on the said bills, and for the said premium or allowance after the rate of three pounds *per centum per annum*, and for or towards raising the yearly sum of two hundred thousand pounds, to commence as is herein after mentioned for paying off and cancelling the said bills in the manner herein after expressed.

A book to be kept in the auditor's office for entering the general fund. Till the fund established takes effect, treasury to compute quarterly the interest due on Exchequer bills: and to make out other bills for so much as shall be due, with like interest and currency, &c. and be dated on the quarter day to which the interest is computed, and paid to the bank, &c. Remainder of the subsidies, &c. appropriated for paying off Exchequer bills. Deficiency of one quarter to be made good out of the overplus of the next. Surplus of any quarter disposable by parliament. Allowance of 3 per cent. for circulation to be paid weekly. Treasury to issue money to any person for discharging the interest on the bills. The yearly sum of 200,000. for discharging the bills, to be issued and applied as the treasury shall direct; but the weekly payments not to exceed 50,000. in one quarter. Officers misapplying the money, &c. forfeit office, &c. Exchequer bills to be taken by all receivers, &c. and at the Exchequer. Receivers, &c. to exchange the bills in ready money, or be liable to be sued for the money, &c. How the plaintiff in such action may declare. He shall recover damages and full costs of suit. The bills to pass as specie in the Exchequer. Interest on bills to be allowed by receivers, &c. Bills in receivers hands, &c. Interest to cease. Persons paying bills to receivers, &c. to endorse their names, day, and year when paid. Bills re-issued to have the day and year endorsed, &c. Bills after 24 June, 1709. to be re-issued only for the principal. Tellers to be reimbursed the interest they allow. Receivers general to keep a book, &c. to be inspected without fee, on penalty of 100l. to any one who will sue for it. Bank to exchange all bills re-issued at the Exchequer. Penalty on bank refusing to exchange. Bills filled up by indorsements, &c. Treasury to issue new ones. Bank may call in money from their members for circulating, &c. See 3 Annæ, c. 1. f. 116. Members refusing, bank may stop their dividends, &c. and charge defaulters with interest at 6 per cent. Not paid in three months, bank may sell. Bank may make dividends of the money called in. Felony to counterfeit these Exchequer bills. Bank to have one part of the cheques, &c. of all bills. Members not disabled by any thing in the act to be parliament men, or liable to be bankrupts. No other Exchequer bills to be issued, until all these be paid, without consent of the bank. E X P.

During the bank no company in part-

LXI. And it is hereby further enacted by the authority aforesaid, That during the continuance of the said corporation of the governor and company of the bank of *England*, it shall not

not be lawful for any body politick or corporate whatsoever, erected or to be erected, (other than the said governor and company of the bank of *England*) or for any other persons whatsoever united or to be united in covenants or partnership, exceeding the number of six persons, in that part of *Great Britain* called *England*, to borrow, owe, or take up any sum or sums of money on their bills or notes payable at demand, or at any less time than six months from the borrowing thereof.

nership to take up money on their bills, payable under 6 months.

LXII. And it is hereby further enacted by the authority aforesaid, That the common capital and principal stock, and also the real funds of the governor and company of the bank of *England*, and all the profit and produce to be made thereof, or arising thereby, and the said allowance after the rate of three pounds *per centum per annum*, and the particular part, share, and interest of every member of the said corporation in the said stock, funds, profits, produce, and allowance, and the principal to be contained in the said bills, and the interest to be born thereupon, shall be and are hereby exempted from any taxes, rates, assessments, and impositions whatsoever, during the respective continuances of the same; and shall be deemed in all courts of law and justice, and in all other courts and places whatsoever, to be a personal estate, and not real, and shall go to the executors and administrators of the person or persons dying possessed thereof, or entitled thereunto, and not to the heirs of such person or persons; and that the said common capital and principal stock, and real funds of the said governor and company of the bank of *England*, and the said allowances after the rate of three pounds *per centum per annum*, the said Exchequer bills, whilst in the hands of the said governor and company, and the particular part, share, and interest of every member of the said corporation in the said stock, funds, allowances, and the said bills, whilst such bills shall be in the hands of the said governor and company, as aforesaid, shall not be liable or subject to any foreign attachment by the custom of *London*, or otherwise; any thing in this act, or in any other act contained, or any other law, statute, provision, usage, or custom to the contrary notwithstanding.

Capital stock, &c. exempted from taxes,

and to be deemed a personal estate,

and not liable to foreign attachment.

LXIII. And it is hereby further enacted by the authority aforesaid, That the original fund of the said governor and company of one hundred thousand pounds *per annum* before mentioned, and all profit, benefit, and advantage, from time to time arising out of the management of the said corporation, and also the said annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings and five pence *per annum*, and likewise the said allowance after the rate of three pounds *per centum per annum* for circulating the exchequer bills to be made in pursuance of this act, shall (the charges of managing the business of the said governor and company, only excepted) be applied from time to time, to the uses of all the members of the said corporation of the governor and company of the bank of *England* for the time being, ratably and in proportion to each

The original fund, &c. to be applied to the use of the members.

member's part, share, and interest in the common capital and principal stock of the said governor and company hereby continued, enlarged, and established.

Subscribers of 2,202,171l. 10s. who have paid one fifth to pay the remainder into the bank,

LXIV. Provided always, and it is hereby enacted by the authority aforesaid, That the several and respective persons who have subscribed the several sums in the said books, amounting to the said sum of two millions two hundred and one thousand one hundred seventy one pounds, ten shillings, or for whom such subscriptions have been made, and have paid down one fifth part of each sum subscribed, as aforesaid, or their respective assigns, shall, and they are hereby respectively enjoined and required to pay to the said governor and company, or their cashier, for their use, the remaining four fifth parts of every sum so subscribed or written in the said books, or any of them, against their names respectively, and also every sum of fifteen pounds, or after that rate, to be added to every hundred pounds, or any greater or lesser sum subscribed, as aforesaid, at such times, and by such proportions, as the court of directors of the said governor and company for the time being, or the major part of them, shall appoint in that behalf, so as public notice thereof be given as well in the *London Gazette*, as by a paper to be signed by the secretary of the said governor and company, and fixed upon the *Royal Exchange* in *London*, at least ten days before the respective days of payment so appointed; and in case default shall be made in any of the said payments so appointed and notified, then the person or persons making such default, shall forfeit the fifth part so paid down, as aforesaid, to the said governor and company of the bank of *England*, and their successors, and in respect of such fifth part shall not be entitled to any share or dividend out of the capital stock of the said governor and company; any thing herein contained to the contrary thereof in any wise notwithstanding.

at such times as the directors shall appoint.

Defaulters to forfeit the fifth part paid down.

Bank may make dividends, &c.

LXV. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of the bank of *England* so enlarged and constituted, as aforesaid, and their successors, at any time or times hereafter, when they shall find it safe and convenient, to reduce or lessen their capital stock increased, as aforesaid, by any dividend or dividends to be made amongst the then members of the said corporation in their private or personal capacities, ratably and in proportion to their respective shares and interests therein, taking care that the sum total of all their debts which they shall owe at any one time to any person or persons, bodies politick or corporate, do not exceed the value of the joint and capital stock, and such other estate which at any such time shall be and remain to the said governor and company undivided; and that in case the said governor and company, or their successors, by any dividend whatsoever to be made amongst themselves in their private or personal capacities, shall reduce or lessen their joint stock or capital, without limiting, paying off, or proportionably reducing the total sum

taking care that the debts they shall owe, exceed not the capital stock.

um of the said debts which they shall owe to others, as aforesaid, so that the value of their joint stock and capital, and other their estate then remaining undivided, shall not be sufficient to answer their just debts then remaining unpaid, in every such case the particular members of the said corporation of the governor and company of the bank of *England*, and every of them respectively, who in their private or personal capacities shall receive any share of such dividend, shall be severally liable, and they are hereby made liable, so far as the respective shares received by them respectively upon such dividend, will extend, to pay and satisfy the debts which shall remain due and unpaid by the said governor and company, to any other person or persons, bodies politick or corporate, as aforesaid, who by virtue of this act shall or may sue for and recover the same (besides treble costs) by action of debt, or upon the case, as before-mentioned; any thing in this, or any former act, charter, or otherwise howsoever to the contrary in any wise notwithstanding.

In such case the particular members who have received any share of such dividend, shall be, so far as that will extend, liable to pay the debts owing by the bank.

LXVI. Provided always, and it is hereby further enacted, That from and after the compleat paying off, and discharging the said principal and interest due on all the said Exchequer bills to be issued in pursuance of this act, and cancelling all the bills, and full satisfaction made, as aforesaid, of all arrearages of the said allowances, after the rate of three pounds *per centum per annum* for circulating the same, then, and not till then, the several duties by this act settled or appropriated, as well as payment of the said interest, after the rate of two pence *per centum per diem*, and the said allowance after the rate of three pounds *per centum per annum*, as for raising the said yearly sum of two hundred thousand pounds, and every of them, shall be understood to be redeemed by parliament, and shall not be issued, paid, or applied to any use, intent, or purpose whatsoever, without the authority of parliament; any thing herein contained to the contrary thereof in any wise notwithstanding.

After the bills are all discharged, the duties are redeemed.

LXVII. Provided nevertheless, That nothing in this act contained, for or concerning the redemption of the said duties by this act settled and appropriated, as well for payment of the said interest, after the rate of two pence *per diem*, and the said allowance after the rate of three pounds *per centum per annum*, as for raising the said yearly sum of two hundred thousand pounds for cancelling the said bills, shall in any wise prevent or hinder the redemption of the said original fund of one hundred thousand pounds *per annum*, or the said annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings, and five pence, pursuant to the respective provisos for those purposes in this act contained; but that the same, or either of them may be redeemed from the said governor and company, or their successors, according to the respective provisos or conditions in this act contained, without redemption of the said duties and funds hereby settled in relation

The not redeeming the said duties, not to hinder the redemption of the original fund, &c.

to the Exchequer bills to be made forth in pursuance of this act, as aforesaid; any thing herein contained to the contrary in any wise notwithstanding.

The dividend of 4l. 10s. to belong only to the old members.

LXVIII. *And whereas the said governor and company of the bank of England established by former acts herein recited, did on the three and twentieth day of March, one thousand seven hundred and eight, order a dividend of four pounds and ten shillings per centum to be made amongst their then members; it is hereby enacted and declared, That the said dividend only belongs to, and is to be received and enjoyed by the respective members of the said corporation, before the making the subscription before-mentioned, and their respective assigns, in proportion to their respective interests in the then capital stock of the said governor and company.*

Commissioners for taking subscriptions indemnified.

LXIX. Provided always, and it is hereby enacted and declared, That the persons named commissioners for taking the subscriptions in the act before-mentioned, or any of them, shall not incur or be subject to any incapacity, forfeiture or penalty whatsoever, for or in regard of their or any of their being named commissioners, or acting in or upon the commission for taking such subscriptions, or any ways relating thereunto; any law or statute to the contrary in any wise notwithstanding.

Publick act.

LXX. And be it further enacted and declared, That this present act shall be esteemed in all the parts thereof in all courts of law and equity to be a publick act, and notice thereof shall be taken as such by all courts and persons accordingly.

Bank not obliged to pay interest to a lesser sum than a penny.

LXXI. And it is hereby enacted by the authority aforesaid, That as often as any of the bills hereby authorized to be issued shall become payable by the said governor and company, and shall be brought to them to be exchanged for money, the said governor and company shall not be obliged to pay for such interest to any lesser sum than a penny due upon such bill, in case a single bill be produced for payment, or for the total of the interest of such bills, where two or a greater number of bills shall be offered at one time by the same person; and the payment or tender of all such interest as shall be due on such bill or bills (except such sum less than a penny) together with the principal due on such bill and bills, shall be good and sufficient in law, as if the principal and entire interest, including such less sum than a penny, had been paid or tendred upon such bill or bills.

Bank may call in monies divided out of their capital stock, &c.

LXXII. Provided always, and it is hereby enacted and declared, That it shall and may be lawful for the said governor and company, and their successors, from time to time hereafter in such manner, and by such notice as in this act are before appointed for calling in any monies for the circulation of Exchequer bills and other the purposes before-mentioned, to call in or direct to be paid by or from their respective members for the time being proportionably all or any part of the monies which shall have before been divided and paid out of their said capital

ital stock of four millions four hundred and two thousand
 ee hundred forty and three pounds, under such penalties,
 arges, and forfeitures for non-payment of any monies of the
 d capital so called in, as are before appointed for non-payment
 any other monies (not capital) by this act authorized to be
 lled in, as aforesaid.

LXXIII. Provided always, and it is hereby enacted by the
 thority aforesaid; That if the respective duties by this act
 nted or appropriated, or any of them, shall at any time or
 nes appear to be so deficient, that within any one year the
 d respective duties shall not be sufficient to answer and satisfy
 e several and respective purposes to which the same are here-
 severally appropriated, then and in every such case, and as
 ten as such deficiency shall happen, the same shall be pro-
 ded for, answered and made good by and out of the next aids
 be granted by parliament.

Duties defi-
 ent to be made
 good out of
 the next aids.

C A P. VIII.

*n act for continuing several impositions and duties, to raise
 money by way of loan; and for exporting British copper
 and brass wire duty-free; and for circulating a further
 sum in Exchequer bills, in case a new contract be made in
 that behalf; and concerning the oaths to be administered
 in relation to Italian thrown silks, and touching oils and
 plantation goods of foreigners, taken or to be taken as
 prize; and concerning drugs of America to be imported
 from her Majesty's plantations; and for appropriating
 the monies given in this session of parliament; and for
 making out debentures for two transport ships in this act
 named; and to allow a further time for registering certain
 debentures, and for relief of persons who have lost such
 tickets, Exchequer bills, debentures, tallies, or orders, as
 in this act are mentioned.*

MOST gracious sovereign, we your Majesty's most dutiful
 and loyal subjects, the commons of Great Britain in par-
 liament assembled for the better enabling your Majesty to de-
 fray the expences of the present war, and for other your Ma-
 jesty's most necessary and important occasions, have cheerfully
 and unanimously given and granted, and do by this act give
 and grant to your Majesty the several and respective subsidies,
 impositions, and duties herein after particularly described, for
 and during the terms herein after expressed, and do most
 humbly beseech your Majesty, that it may be enacted; and be
 it enacted by the Queen's most excellent majesty, by and with
 the advice and consent of the lords spiritual and temporal, and
 commons, in this present parliament assembled, and by the
 authority of the same, That the several impositions and duties
 upon wines and vinegar granted by an act made in the first
 year of the reign of his late majesty King James the Second,

Duties on
 wines and
 vinegar con-
 tinued to

1 August, 1716. intituled, *An act for granting to his Majesty an imposition upon*
 1 Ja. 2. c. 3. *all wines and vinegar imported between the twenty fourth day of*
 Farther contin- *June, one thousand six hundred eighty five, and the twenty fourth*
 1 Annæ, c. 13. *day of June, one thousand six hundred ninety three, which said act,*
 and made per- *by several subsequent acts of parliament since made, was con-*
 petual by *tinued, and is to continue until the first day of August, one*
 9 Annæ, c. 21. *thousand seven hundred and fourteen, shall by virtue of this*
 1. 1. *act, be further continued and be payable to her Majesty,*
her heirs and successors, for and upon all wines and vinegar
which shall be imported into Great Britain, from the last day
of July, one thousand seven hundred and fourteen, to the
first day of August, one thousand seven hundred and sixteen,
and no longer; and that the said act so made in the first year
 1 Ja. 2. c. 3. *of the reign of the said late King James the Second, and all*
powers, provisions, penalties, articles, and clauses therein con-
tained, for or concerning the said impositions on wines and vine-
gar, shall continue and be in full force and effect, until the said
first day of August, one thousand seven hundred and sixteen, and
shall be applied, practised, and executed for raising, levying,
collecting, answering, and paying the said duties upon wine
and vinegar hereby continued, and all arrears thereof, accord-
ing to the tenor and intent of this present act, as fully, to all
intents and purposes, as if all and every the clauses, matters,
and things in the said act of the first year of the reign of the
said King James the Second contained, had been again in this
act repeated, and particularly enacted.

Duties on
 tobacco con-
 tinued to
 1 August, 1716
 1 Ja. 2. c. 4.
 Farther con-
 tinued by
 8 Annæ, c. 13.
 and made per-
 petual by
 9 Annæ, c. 21.
 1. 1.

II. And be it further enacted by the authority aforesaid,
 That the rates, duties, and impositions upon all sorts of to-
 bacco, granted by an act made in the first year of the reign of
 the said late King James the Second, intituled, *An act for grant-*
ing to his Majesty an imposition upon all tobacco and sugar imported
between the twenty fourth day June, one thousand six hundred eighty
five, and the twenty fourth day of June, one thousand six hundred
ninety three, which said act, as for and concerning the said
 duties and impositions upon tobacco only, by several subse-
 quent acts of parliament since made, was continued, and is to
 continue until the first day of August, one thousand seven hun-
 dred and fourteen, shall, by virtue of this act, be further con-
 tinued and paid unto her Majesty, her heirs and successors, for
 and upon all tobacco to be imported into *Great Britain*, from
 the last day of July, one thousand seven hundred and fourteen,
 to the first day of August, one thousand seven hundred and six-
 teen, and no longer.

Duties on to-
 bacco to be le-
 vied, &c. as by
 7 & 8 W. 3.
 6. 10.

III. Provided always, and be it enacted and declared by
 the authority aforesaid, That the said duty upon tobacco which
 shall be imported within the times by this act limited, and
 all arrears thereof, shall be secured, collected, raised, levied,
 answered, and paid to her Majesty in such method, and with
 such discount and allowances, and according to such rules and
 directions as are mentioned, referred to, or prescribed (as to
 the duties or impositions upon tobacco) in and by the act made
 in the parliament holden in the seventh year of the reign of
 King

King *William* the Third, of glorious memory, intituled, *An Act for continuing several duties, granted by former acts upon wines, vinegar, and tobacco, and East India goods, and other merchandizes imported, for carrying on the war against France, and not otherwise.*

IV. And be it further enacted by the authority aforesaid, That the several additional and other rates, impositions, duties, and charges upon the several sorts of goods and merchandizes, granted by an act made in the second year of the reign of King *William* the Third and Queen *Mary*, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and merchandizes, and upon all wrought silks, and several other goods and merchandizes to be imported after the five and twentieth day of December, one thousand six hundred and ninety, and which hereby, and by several acts of parliament already made, have continuance until the first day of August, one thousand seven hundred and fourteen, shall be further continued and paid to her Majesty, her heirs and successors, for and upon the like commodities to be imported into Great Britain, from the last day of July, one thousand seven hundred and fourteen, to the first day of August, one thousand seven hundred and sixteen, and no longer; and that the said act made in the second year of their late Majesties reign, concerning East India goods and other things therein charged, and all powers, provisions, penalties, articles, and clauses therein contained, shall continue and be of full force and effect until the said first day of August, one thousand seven hundred and sixteen, and shall be applied, practised, and executed for the raising, levying, collecting, answering, and paying the said respective duties hereby continued, and all arrears thereof, according to the tenor and intent of this present act, as fully, and to all intents and purposes; as if the said last-mentioned act, and all and every the clauses, matters, and things therein contained, had been again repeated and particularly enacted (except only as to such part of the said acts, concerning the said impositions of wines, vinegar, tobacco, East India goods, and other merchandizes imported, touching which other provisions or alterations are made by any act or acts of parliament now in force, which other provisions or alterations are to be observed, and to continue during the continuance of this present act) and the said act, intituled, *An act for continuing several duties granted by former acts upon wine and vinegar, and upon tobacco, and East India goods, and other merchandizes imported, for carrying on the war against France, and every article, clause, matter, and thing therein contained, for the raising, levying, securing, answering, and paying the impositions and duties on the merchandizes and commodities thereby charged, and which are by this act continued, shall be of full force and effect, until the said first day of August, one thousand seven hundred and sixteen.**

V. And be it further enacted by the authority aforesaid, That the additional and other rates, duties, impositions, and charges

Old impost continued till
1 August, 1716.
2 W. & M.
ff. 2. c. 4.
Farther continued by
8 Annæ, c. 13.
and made perpetual by
9 Annæ, c. 21.
f. 1.

7 W. 3. c. 10.

Additional impositions
charges

continued to
1 August, 1716.
4 & 5 W. & M.
c. 5.
Farther con-
tinued by
3 Annæ, c. 13.
and made per-
petual by
3 Annæ, c. 21.
f. 1.

charges upon the several sorts of goods and merchandizes, granted by an act of parliament made in the fourth year of their said late Majesties reign, intituled, *An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for prosecuting the present war against France*, which by several subsequent acts of parliament already made, have continuance until the said first day of *August*, one thousand seven hundred and fourteen, shall, by virtue of this act, be further continued, and be paid and payable to her Majesty, her heirs and successors, throughout *Great Britain*, from the last day of *July*, one thousand seven hundred and fourteen, to the first day of *August*, one thousand seven hundred and sixteen, and no longer; and that the said act last-mentioned, and all powers, provisions, penalties, articles, and clauses therein contained (except as herein after is excepted and provided) as for, and concerning the said rates, duties, and impositions, shall continue and be of full force and effect until the said first day of *August*, one thousand seven hundred and sixteen, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying the said duties hereby continued, and all arrears thereof, according to the tenor and intent of this present act, as if the said last-mentioned act, and all and every the clauses, matters, and things therein contained, had been again repeated and particularly enacted in this present act: provided also, That in all cases where any other provision or alteration is made by any act or acts of parliament now in being, in or about any other matter or thing contained in the said act of parliament for the impositions last-mentioned, such other provisions or alterations shall be observed during the continuance of the term hereby granted; any thing herein contained to the contrary notwithstanding.

Duties on
whale fins
continued to
1 August, 1716.
9 & 10 W. 3.
c. 45.
Farther con-
tinued by
3 Annæ, c. 13.
and made per-
petual by
9 Annæ, c. 21.
f. 1.

VI. And it is hereby further enacted, That the several impositions and duties, for and upon all whale fins imported, which by an act of parliament in the ninth year of the reign of his said late majesty King *William the Third*, intituled, *An act for taking away half the duties imposed on glass wares, and the whole duties lately laid on stone and earthen wares, and tobacco pipes and for granting in lieu thereof new duties on whale fins and Scotch linnen*, were granted to his said late majesty King *William*, and by subsequent acts already passed, have continuance until the first day of *August*, one thousand seven hundred and fourteen, shall be, and are hereby continued and payable to her Majesty, her heirs and successors, upon all whale fins to be imported into *Great Britain*, from the last day of *July*, one thousand seven hundred and fourteen, to the first day of *August*, one thousand seven hundred and sixteen, and no longer; and shall be raised, levied, collected, and paid in such manner and form, and by such ways and means, and under such penalties, as are mentioned in the said act for granting the said impositions on whale fins and *Scotch linnen*; which act, with all the powers, provisions, penalties, articles, and clauses therein contained, or thereby referred, shall continue and be in full force until the said

said first day of August, one thousand seven hundred and sixteen; and shall be applied, practised, and put in execution for raising, and levying the said duties on whale fins hereby continued, and all arrears thereof, as fully and effectually as if all the clauses, matters, and things therein contained concerning the said duties on whale fins were repeated, and again enacted in the body of this present act.

VII. *And whereas the said impositions on wines, vinegar, and tobacco, which were first granted to King James the second, in the first year of his reign, and the said impositions on East India goods, and other goods charged therewith, which were first granted to their late majesties King William and Queen Mary in the Second year of their reign, and the said additional impositions which were first granted to them in the fourth year of their reign, and the said duties on whale fins imported, which were granted to his said late majesty King William in the ninth year of his reign, were by several subsequent acts of parliament continued (with some exceptions and alterations) as aforesaid, until the said first day of August, one thousand seven hundred and fourteen, in the manner therein mentioned, and are thereby made subject and liable (together with such other duties as are therein expressed) to the satisfaction of several principal sums which were borrowed, or authorized to be borrowed upon those acts respectively, and the interest due, and to be due for the same, which principal and interest are to be duly paid off and discharged in the first place; now it is hereby further declared and enacted by the authority aforesaid, That from and immediately after the time that all the principal and interest monies which by the said former acts, or any of them, are charged and chargeable on the several impositions and duties last particularly mentioned (jointly with other duties) as aforesaid, shall be fully paid off and satisfied according to the true meaning of the said former acts, or that sufficient money shall be reserved in the Exchequer for that purpose, then all the monies which from thenceforth shall arise by the said impositions upon wines, vinegar, and tobacco, which were first granted to King James the Second in the first year of his reign, and the said impositions on East India goods, and other goods charged therewith, which were first granted to their late majesties King William and Queen Mary, in the second year of their reign, and the said additional impositions which were first granted to them in the fourth year of their reign, and the said duties on whale fins imported, which were granted to his late majesty King William in the ninth year of his reign, for the remainders of the terms formerly granted, and therein then to come and unexpired (except the necessary charges of raising, levying, collecting, and accounting for the same) shall, from time to time, be paid into the receipt of the Exchequer distinctly for the purposes in this act expressed, and for no other use, intent, or purpose whatsoever.*

VIII. *And whereas it is found by experience, That the duties upon the exportation of copper of the produce and growth of Great Britain, and upon brass wire made in Great Britain, have annually produced*

1 Ja. 2. c. 3.

2 W. & M.

II. 2. c. 4.

4 & 5 W. & M.

c. 5.

9 & 10 W. 3.

c. 45.

After the principal, &c. of the former acts are discharged, the several duties appropriated for the uses of this act.

very

British copper and brass wire to be exported duty-free.

very inconsiderable sums, and nevertheless do hinder the exportation of such copper wire, to the prejudice of this nation; be it therefore enacted by the authority aforesaid, That no subsidies or other duties shall be due or payable by any act or acts of parliament whatsoever upon the exportation of any such copper or wire, which from and after the first day of May, one thousand seven hundred and nine, shall be exported to or for any parts beyond the seas; any law or statute whatsoever to the contrary notwithstanding.

7 ANNÆ, c. 7. IX. *And whereas the governor and company of the bank of England have undertaken the circulation of Exchequer bills, amounting to two millions and five hundred thousand pounds, for her Majesty's supply, in such manner and form, and upon such terms and advantages as are mentioned or intended by another act of this session of parliament in that behalf; now it is hereby provided, &c.*

The bank may agree to circulate further Exchequer bills for 612,739l. &c. with the same advantages, &c. as by the former act, &c. oath upon importing Italian thrown silk, to be made before the collector, &c. Oils and plantation goods of foreigners, taken as prize, to pay customs, pursuant to her Majesty's declaration, 12 May, 2 ANNÆ. EXP.

1 ANNÆ, stat. 1.
c. 27.
6 ANNÆ, c. 19.

Drugs of America may be imported from her Majesty's plantations. XII. *And be it enacted by the authority aforesaid, That from and after the four and twentieth day of June, one thousand seven hundred and nine, Jesuits Bark, Sarsaparilla, balsam of Peru and Tulu, and all other drugs of the growth and product of America, may be imported from any of her Majesty's plantations in America, in ships regularly manned and navigated, paying the same duty, and no more, as if they were imported directly from the place of their growth; any law or statute to the contrary notwithstanding.*

Clause of loan for 645,000l. XIII. *Provided always, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful, to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to her Majesty at the receipt of her Majesty's Exchequer, as well upon credit of the several impositions and duties by this act granted or continued, as also upon credit of the monies which by the said former acts, after satisfaction of the principal and interest thereupon, as aforesaid, shall arise by the impositions and duties thereby granted, any sums which shall not exceed in the whole six hundred forty five thousand pounds, for the service of the war, and other her Majesty's occasions; and moreover, the treasurer of the Exchequer for the time being, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and directed to cause the officers of the said receipt of Exchequer, to receive from time to time, by way of loan, from any person or persons, bodies politick or corporate, willing to make the same at the said receipt, any further sum and sums of money, over and above the said sums not exceeding six hundred forty five thousand pounds, as shall be sufficient to make good the payment of all the interest monies appointed or allowed by this act, every three months, until the said impositions and duties arising*

and of a further sum for making good the intermediate interest,

arising by this or by the said former acts, or any of them first happening, shall come into the Exchequer, and be sufficient for that purpose, pursuant to the intent and meaning of this act; and that all the lenders as well of the said sums not exceeding six hundred forty five thousand pounds, as of the said further sums for making good the payment of the intermediate interest, as aforesaid, shall have and receive interest for the forbearance thereof, after the rate of six pounds *per centum per annum* at 6 per cent. *annum*, and that no money to be lent upon the security of this act, shall be taxed, rated, or assessed by any act of parliament whatsoever.

Lenders to have tallies struck, &c. Orders to be paid in course, &c. No fee, &c. to be taken. Penalty. Tallies of the same date no undue preference. No penalty to incur, if subsequent orders be first paid. Orders assignable. E X P.

XVIII. *And whereas in and by one act of the fifth year of her Majesty's reign, a credit was given for any sums not exceeding eight hundred twenty two thousand three hundred eighty one pounds, fifteen shillings, and six pence farthing; and by another act of the sixth year of her Majesty's reign, a further credit was given for any sums not exceeding seven hundred twenty nine thousand sixty seven pounds, fifteen shillings, and six pence three farthings, to be borrowed upon those acts respectively, at an interest after the rate of six pounds per centum per annum, upon the several subsidies, impositions, and duties in the same acts respectively mentioned; and the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, are by the same acts respectively authorized and directed to cause the officers of the Exchequer to receive, from time to time, by way of loan, at the like interest at the said receipt, any further sum or sums of money as should be sufficient to make good the payment of all the interest monies, appointed or allowed by the same acts respectively, every three months, until the subsidies, impositions, and duties therein mentioned, should come into the Exchequer, and be sufficient for that purpose, pursuant to the intent and true meaning of the same acts respectively: now it is hereby provided and enacted by the authority aforesaid, That nothing in this act contained shall extend or be construed to extend to the taking away, altering, or lessening the said power and direction of borrowing monies to make good the payment of the said interest monies every three months, until the said subsidies, impositions, and duties in the said respective acts mentioned shall come in, and be sufficient for that purpose, as aforesaid, or in any wise to alter or prejudice the security given by the said several acts of the fifth and sixth years of her Majesty's reign, or either of them, for the repayment and satisfaction of the same, or any other the principal and interest monies, which were secured or intended to be secured by the same acts respectively, but that the orders for the same shall be registered in course, and paid in the same manner upon each of those acts, as if this act had never been made; this present act, or*

5 Annæ, c. 27.
6 Annæ, c. 22.

This act not to prejudice the security of the acts above-mentioned.

acts,

any thing therein contained, or any other matter or thing whatsoever to the contrary in any wise notwithstanding.

Clause of appropriation.
7 Annæ, c. 1.

XIX. And be it enacted by the authority aforesaid, That all the monies lent and to be lent unto her Majesty on one act of this session of parliament, intituled, *An act for granting an aid to her Majesty to be raised by a land tax in Great Britain, for the service of the year one thousand seven hundred and nine*, and so much money (if any such be) of the tax thereby granted, as shall arise and remain after all the loans made, or to be made upon that act, and the interest thereof, and the charges thereby allowable for the raising the said tax, shall be satisfied, or money sufficient shall be reserved to discharge the same; and all the money lent and to be lent unto her Majesty upon one other act of this session

7 Annæ, c. 3.

of parliament, intituled, *An act for charging and continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and nine*, and so much money of the said duties of malt, mum, cyder, and perry thereby granted, as shall arise and remain after all the loans made, or to be made upon that act, or thereby transferred, or directed to be transferred thereunto, and the interest thereof, and the charges thereby allowable for raising the said duties thereby granted, shall be satisfied, or money sufficient shall be reserved to discharge the same; and the sums payable by the governor and company of the bank of England, for or upon account of the sum of four hundred thousand pounds to be advanced by way of discount, according to another act of this session

7 Ann. c. 7.

of parliament, intituled, *An act for enlarging the capital stock of the bank of England, and for raising a further supply, granted to her Majesty for the service of the year one thousand seven hundred and nine*, and the Exchequer bills not exceeding two millions five hundred thousand pounds issuable by that act, for her Majesty's supply; and the sums intended to be raised by loans and Exchequer bills, by or in pursuance of this present act; shall be appropriated, issued, and applied, and the same are hereby appropriated, for or towards the several uses and purposes herein after expressed; that is to say, for or towards the defraying the charges of the ordinary of her Majesty's navy, and for victuals, wages, wear and tear, and other services of the navy, and the victualling thereof, performed and to be performed; and for the sea service in the office of the ordnance, performed and to be performed; and for and towards the land service performed and to be performed by the office of the ordnance; and to and for subsistence, off-reckonings and clearings for one year, from the three and twentieth day of *December*, one thousand seven hundred and eight, to her Majesty's guards and garrisons in *Great Britain*, and the contingent charges of the same, and for payment of invalids for the said year, beginning from the said three and twentieth day of *December*, one thousand seven hundred and eight; and for or towards the defraying the charges of her Majesty's army, and such forces as are or shall be added thereunto, in the low countries or *Germany*, within, or for one year, to be reckoned from the said three and twentieth day of *December*,

ber, one thousand seven hundred and eight, and the contingent charges thereunto belonging; and for and towards her Majesty's proportion of the charge of three thousand *Palatines*, formerly taken into the service of her Majesty and the *States General*, for the year one thousand seven hundred and nine; and for or towards her Majesty's proportion of the charge of four thousand six hundred thirty nine *Saxons*, formerly taken into the service of her Majesty and the *States General*, for the year one thousand seven hundred and nine; and for and towards her Majesty's proportion of the charge of *Bothmar's* regiment of dragoons, consisting of eight hundred men, formerly taken into the service of her Majesty and the *States General*, for the year one thousand seven hundred and nine; and for defraying her Majesty's proportion of the charge for augmenting the troops, which have been resolved for acting in conjunction with her allies in *Flanders*, for the service of the year one thousand seven hundred and nine; and for defraying the charge of maintaing the forces in her Majesty's pay to serve in *Spain* and *Portugal*, for the service of the said year one thousand seven hundred and nine; and for or towards the payment of her Majesty's proportion of the subsidies due upon treaties made or to be made with her Majesty's allies, and other charges for the service of the war, for any time before, or until the five and twentieth day of *December*, one thousand seven hundred and nine; and for and towards the payment of a year's interest further on the unsatisfied debentures, charged upon the *Irish* forfeitures; and for or towards the transporting of land forces performed and to be performed; and for or towards discharging the premiums and other charges, for circulating the old Exchequer bills for another year; and for or towards the defraying extraordinary charges of the war already incurred, and not before this time provided for by parliament; and for making good such payments as by another act of this session of parliament are to be made, as well for discharging the allowances for or upon the exportation from *Scotland*, of fish, beef, and pork cured with foreign salt, imported before the first day of *May*, one thousand seven hundred and seven, as also to pay for such salt so imported, and still remaining in the hands of her Majesty's subjects there; and for payment of the general officers serving in *Flanders* in the years one thousand seven hundred and eight, and one thousand seven hundred and nine, according to the stations in which they have or shall have served by their respective commissions; and to no other uses, intents, and purposes whatsoever. Provided always, That out of the monies to be issued to the guards and garrisons, as aforesaid, there shall and may be taken and applied any sum not exceeding eighty seven thousand one hundred twenty five pounds, ten shillings, towards the charge of maintaining the soldiers raised and to be raised for sea service, with their officers, and the contingent charges thereunto belonging; and out of the monies to be issued for the service of the navy and sea service, as aforesaid, there shall be taken and applied

applied such sums, as together with the said sum not exceeding eighty seven thousand one hundred twenty five pounds, ten shillings, shall be necessary for the charge of maintaining the said soldiers for sea service, with their officers, and the contingent charges thereunto belonging; any thing herein contained to the contrary notwithstanding.

13 & 14 W. 3.
C. 1.

XX. *And whereas by an act of parliament made in the thirteenth year of the reign of his late majesty King William the Third, of glorious memory, intituled, An act for reviving and continuing an act, intituled, An act for the appointing the commissioners to take, examine, and determine the debts due to the army, navy, and for transport service, and also an account of the prizes taken during the late war, the commissioners thereby appointed to state and determine the debts due for the hire and freight of the ship Robert and James, and the ship John's Adventure, taken up for transport service in the year one thousand six hundred ninety and three, and prepared tickets, bills, certificates, or debentures for the same; which tickets, bills, certificates, or debentures were not signed by the said commissioners, the masters or proprietors of the said ships not demanding the same before the expiration of the said commission; be it therefore enacted, &c.*

Debentures to be made out for the ships Robert and James, and John's Adventure. Irish debentures lost, upon oath before a baron, &c. and security, treasury may grant duplicates. Time allowed for registering army debentures till 29 Sept. 1709. E X P.

XXIII. *And whereas several tickets, commonly called Million Lottery Tickets, and Malt Lottery Tickets, which are still unpaid, and several bills called Exchequer Bills, not yet discharged, also divers sorts of bills or certificates, commonly called Debentures, made forth for arrears due to the army, and for transport services, not being applied to the purchasing of any of the forfeited estates in Ireland, or otherwise discharged, and also divers tallies and orders for payment of annuities granted by act of parliament, are by casualty or mischance, lost, burnt, or otherwise destroyed; be it hereby further enacted, &c.*

The barons of the Exchequer, on affidavit made before them, that any lottery tickets, Exchequer bills, debentures, &c. are lost, shall give a certificate thereof, and the respective officers, on security given to indemnify them, shall make forth duplicates of such tickets, &c. and in default of such officer, the lord treasurer, &c. shall order such duplicates to be made forth. All which shall be done without fee, &c. E X P.

C A P. IX.

An act for giving the commissioners of sewers for the city of London the same powers as the commissioners of sewers for counties have; and to oblige collectors for the sewers to account.

19 Car. 2. c. 3. **W**HEREAS by an act of parliament made in the nineteenth year of the reign of our sovereign lord Charles the Second, intituled, An act for rebuilding the city of London, it is amongst
other

other things enacted, That the number and places for all common sewers; and vaults, and drains, and the order and manner of paving and ditching the streets and lanes within the said city and liberties, shall be designed and set out by such and so many persons, as the mayor, aldermen, and commons of the said city in common council assembled, should authorize and appoint under their common seal, or the more part of them; to which persons several powers and authorities are thereby given, for the ends in the said act mentioned: and it is thereby enacted, That all other commissioners whatsoever, be altogether suspended from intermeddling in the premises for the space of seven years, and for so long after, until the intended buildings of the said city should be fully finished; any law or statute to the contrary notwithstanding: and whereas by another act made in the two and three and twentieth years of the reign of the said King, it is enacted and declared, That the said clause or branch of the said act herein before recited, should remain and continue in force, and be made perpetual, and the powers and authorities thereby given and appointed to be executed by such persons as should in that behalf be authorized and appointed by the said mayor, aldermen, and commons in common council assembled, according to the tenor thereof, under their common seal, or any seven or more of them, should and might for ever thereafter be put in execution, according to the purport and effect of the aforesaid act: and that no other commissioner, or any other person whatsoever, should at any time then after intermeddle in the premises, within the said city and liberties thereof; any law or statute to the contrary notwithstanding: and whereas some doubts have arisen whether the said persons so authorized have the like powers and authorities vested in them, as commissioners of sewers, by virtue of their commission, and of the laws and statutes of this realm, have in any county within that part of Great Britain called England; for explaining the same, and for remedying the mischiefs herein after mentioned, be it declared and enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons, in parliament assembled, and by the authority of the same, That the said persons so, as aforesaid, authorized and appointed by the mayor, aldermen, and commons of the said city of London in common council assembled, or that shall hereafter in like manner be authorized and appointed for the purposes in the said recited acts mentioned, have of right exercised and put in practice, and shall or may, for the time to come, exercise and put in practice, within the said city of London, and liberties of the same, all and every the powers and authorities given to and vested in any commissioners of sewers in any other county or place, by force and virtue of any the laws and statutes of this realm, or of any commission to them granted, pursuant to the same, and shall be deemed and taken to be commissioners of sewers within the limits aforesaid, subject nevertheless to the imitations and directions of the said statute of the two and three and twentieth years of the reign of our said late sovereign King Charles the Second.

22 & 23 Car. 2.
c. 17.

The persons authorized by the mayor, &c. of London, have and shall exercise in London, &c. all the powers given to commissioners of sewers, in any other county or place; but subject to the act of 22 & 23 Car. 2. c. 17.

Collectors of the rates refusing on notice to appear before the commissioners and to give an account on oath, or neglecting to collect, &c. or to pay the money collected, shall forfeit 10l. to be levied by distress, &c.

II. And be it further enacted by the authority aforesaid, That if any person or persons appointed by the said last-mentioned statute to be collectors of the rates and duties that shall be assessed, according to the directions of the said statute, for the ends and purposes therein contained, shall neglect or refuse, upon due notice to him or them given, to appear before the said commissioners, at the place of their publick meetings, and give a just and true account, upon oath, of all monies by him or them collected and received for the purposes aforesaid, which oath the said commissioners, or any seven of them, at any their publick meetings, according to the directions of the said statute, are hereby authorized and impowered to administer, or shall neglect or refuse to collect such sum or sums as shall be specified in a roll delivered to him, or shall neglect or refuse to pay such money so collected, as upon such account shall appear to be in his hands, into the chamber of the said city, according to the directions of the said act, every person so neglecting or refusing to appear, collect, or pay, shall forfeit and pay, for every such offence, a sum not exceeding ten pounds, over and above what money he shall be chargeable with, to be set and imposed by the said commissioners, or any seven of them; which said penalties, and all other fines that be set and imposed by the said commissioners, pursuant to the authority to them given, shall be levied by distress and sale of the goods of the person so offending, by warrant under the hands and seals of the said commissioners, or any seven of them, rendering the overplus, (if any be) after the charges of such distress and sale deducted, to the owner of the said goods; all which fines and sums of money, and all other fines to be set and imposed by the said commissioners, shall be paid into the chamber of *London*, and applied for and towards the maintaining, repairing, cleansing, and scouring the publick drains and sewers within the said city and liberties thereof.

To be paid into the chamber of *London*, and applied to the maintaining the sewers.

This act not to extend to the conservatorship of the *Thames*.

III. Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained, shall be adjudged, deemed, or taken to extend to the conservatorship of the river of *Thames*, or to give any jurisdiction to the said commissioners to intermeddle with the same, or to alter the powers or authorities of the lord mayor of the city of *London* for the time being, touching the same, but the same shall or may continue to be managed, executed, and done, as before the making of this act; any thing herein before contained to the contrary hereof in any wise notwithstanding.

If any action be brought for what is done in pursuance of this act, the defendant may plead the general issue, and

IV. And be it further enacted, That if any action, suit, plaint, or information, shall at any time after the first day of *May*, one thousand seven hundred and nine, be commenced, sued or prosecuted against any person or persons for what he or they shall do, in pursuance of any of the recited acts, or this act, such person or persons so sued or prosecuted in any court whatsoever, shall or may plead the general issue, and upon issue joined, may give the said acts, or this act, or any of them, and the special

special matter, as the case may require, in evidence; and if the plaintiff or prosecutor become nonsuit, or suffer discontinuance, or if a verdict pass against him, her, or them, the defendant or defendants shall recover treble costs, for which they shall have the like remedy as in any case where costs by law are given to defendants.

shall recover treble costs.

V. And it is also enacted, That this act, and the said recited acts, shall be deemed and taken for publick acts.

All the said acts to be taken as publick acts.

C A P. X.

An act for rendering more effectual the laws concerning commissions of sewers.

19 Car. 2. c. 3. 22 & 23 Car. 2. c. 17.

WHEREAS by the laws now in force concerning commissions of sewers it is provided, That if any person or persons being assessed or taxed to any lot or charge for any lands, tenements, or hereditaments within the limits of any such commission, do not pay the said lot and charge, according to the order and assignment of the commissioners, having power of the execution of the said commission, that then the said commissioners for lack of payment of such lot and charge, may decree and ordain the said lands and tenements from the owner or owners thereof, and their heirs, and the heirs of every of them, to any person or persons, for term of years, term of life, fee-simple, or fee-tail, for payment of the same lot and charge, the said decrees and ordinances to be executed in such manner, as by the said laws now in force is directed and appointed: and it is thereby provided, That the same decrees and ordinances shall bind all and every person and persons, that at the making of the same decree had any interest in such lands, tenements, and hereditaments, in use, possession, reversion, or remainder, their heirs and feoffees, and every of them; and shall also bind as well the lands, tenements, and hereditaments of the King of England, as all and every other person and persons and their heirs, and such their interest, as they shall fortune to have in any lands, tenements, and hereditaments, or other casual profit, advantage, or commodity whatsoever they be, whereunto the said laws, ordinances, and decrees shall in any wise extend, according to the true purport, meaning, and intent of the said laws; but the said laws of sewers now in force, have been found defective, in that sufficient power and authority is not thereby given to commissioners of sewers, to make sale of copyhold or customary lands within the limits of their commission for the causes aforesaid; for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of March, in the year of our Lord one thousand seven hundred and nine, it shall and may be lawful to and for the commissioners authorized by commission from her Majesty, her heirs and successors, or any six or more of them, to put in execution the laws now in force concerning sewers, for non-payment of any lot or charge assessed or charged upon any copyhold or customary lands within the limits of their commission, and by

Preamble reciting the laws in force concerning commissions of sewers.

After 25 March, 1709. commissioners of sewers may for non-payment of any lot assessed on copyhold lands, decree the same from the owners, &c.

The said decrees to be executed as decrees concerning freeholds.

the power and authority of the said commission of sewers, to decree and ordain the said copyhold or customary lands so charged from the owner or owners, and their heirs, and the heirs of every of them, to any person or persons, for such estate and interest therein, as the said owner or owners thereof, or any claiming in remainder under them, at the time of such decree made, had in the same copyhold lands, tenements, and hereditaments; the said decrees to be made and executed, as decrees concerning freehold lands are, by the said laws now in force, to be made and executed.

The buyers of such copyhold lands to agree with the lords of whom holden, for the accustomed fines, and the lords to admit them tenants.

II. Provided always, That all and every person or persons, to whom any such sale of copyhold or customary lands or tenements shall be made, shall before such time as they or any of them shall enter, or take any profit of the same lands or tenements, agree and compound with the lords of the manors, of whom the same shall be holden, for such fines or incomes, as heretofore hath been most usual and accustomed to be yielded or paid therefore; and that upon every such agreement or composition, the said lords for the time being, at the next court to be holden at or for the said manors, shall not only grant to such vendee or vendees upon request, the same copyhold or customary lands or tenements by copy of court roll of the said manors, for such estate or interest as to them shall be so decreed or sold, and reserving the ancient rents, customs, and services, but also shall in the same court admit them tenants of the same copyhold or customary lands, as other copyholders of the same manors have been wont to be admitted, and to receive their fealty accordingly.

Six of the commissioners may by warrant empower any person to levy the assessments by distress and sale. The overplus to be restored to the owner.

III. And be it further enacted and declared, That it shall and may be lawful to and for the commissioners of sewers, or any six or more of them, by warrant under their hands and seals, to give authority to any person or persons, to levy the sums of money by them, from time to time, to be assessed or taxed upon the lands, meadows, marshes, or grounds, liable or chargeable with any cesses, taxes, impositions, or charges, by authority of their said commission, by distress and sale of the goods of such person or persons that shall not pay, or refuse to pay the same; and the overplus of the money arising upon such sale, after deduction of the reasonable charges of making such distress and sale, shall be restored to the owner or owners of the goods so distrained.

CAP. XI.

An act for ascertaining and directing the payment of the allowances to be made for or upon the exportation from Scotland, of fish, beef, and pork, cured with foreign salt imported before the first day of May, one thousand seven hundred and seven, and for disposing such salt still remaining in the hands of her Majesty's subjects there; and for ascertaining and securing the allowances for fish and flesh exported, and to be exported from Scotland for the future.

WHEREAS certain quantities of white herrings, and of salmon, codfish, beef and pork, cured with foreign salt only, which was imported into Scotland before the first day of May, one thousand seven hundred and seven (at which time the happy union of the two kingdoms of England and Scotland took effect) have been, since the said first day of May, one thousand seven hundred and seven, exported from several parts of Scotland, such herrings, salmon, and codfish respectively, having been first duly pined, cured, and packed for exportation with the said foreign salt only, without any mixture of British or Irish salt, according to the laws and acts of parliament formerly made in Scotland, and still in force in that behalf; and the said beef and pork having been also first duly salted with the said foreign salt without mixture, as aforesaid, and exported for sale only; and on the five and twentieth day of March, one thousand seven hundred and nine, certain other quantities of white herrings, salmon, codfish, beef, and pork, do or may remain in Scotland ready to be entred for exportation from thence to parts beyond the seas, being also salted with foreign salt imported into Scotland before the said first day of May, one thousand seven hundred and seven, without mixture, as aforesaid; and such fish being also duly pined, cured, and packed; and the beef and pork last mentioned being likewise intended for sale only: and whereas the sum total of all the allowances claimed for the said fish and flesh exported, and to be exported from Scotland, so salted with foreign salt imported before the said first day of May, one thousand seven hundred and seven, being computed according to the rates unquestionably allowable for the like fish and flesh salted with foreign salt imported into Scotland after the said first day of May, one thousand seven hundred and seven, will not by estimation exceed twenty eight thousand four hundred fifty two pounds, nineteen shillings, and seven pence; be it enacted, &c.

Fish, &c. cured with foreign salt only, imported before 1 May, 1707. to have the same allowances as since the union. Debentures to be prepared for fish, &c. exported since 1 May, 1707. and before 15 May, 1709. &c. And to be brought to the commissioners of the customs at Edinburgh, by 15 July, 1709. Not to exceed 28,452 l. 19 s. 7 d. Treasury to issue money for payment to Sir Patrick Johnson, &c. EXP.

V. And for preventing frauds, be it enacted, That no debentures for any allowances to be made by law for any fish or flesh exported, or hereafter to be exported from Scotland (the debentures for the said allowances not exceeding the said sum of

No debenture to be allowed till oath, &c.

twenty eight thousand four hundred fifty two pounds, nineteen shillings, and seven pence, for fish and flesh cured with foreign salt imported from *Scotland* before the union, as aforesaid, only excepted) shall be prepared or allowed until such oaths be made and taken, which the proper officers have hereby power to administer; and all such other matters and things be done and performed for preventing of frauds to her Majesty's prejudice, as by any law or statute now in force in *England* or *Scotland* are to be made, taken, done, or performed for preventing frauds in the like allowances for the like kinds of fish and flesh respectively; and all laws now in force in *England* or *Scotland*, for preventing any frauds upon the importation and exportation of fish and flesh, for which the said allowances are to be made by law, shall be in force, and extended to *Scotland*.

VI. And whereas certain quantities of such foreign salt imported into *Scotland* before the said first day of *May*, one thousand seven hundred and seven, doth still remain in the hands of several of her Majesty's subjects there, not having been employed in the curing of fish or flesh, or otherwise howsoever, which salt in hand doth not, by computation, exceed in the whole fifty one thousand seven hundred seventy seven bushels, reckoning eighty four pounds weight to the bushel; it is hereby further enacted, &c.

Such foreign salt in hand to be weighed by the salt officer by 1 June, 1709. and certified to the commissioners by 15 July, 1709. Not to exceed 51,777 bushels. Stock in hand not delivered, forfeited. Salt so delivered to be telled, &c. Treasury to issue money for payment at 9s. per bushel, to Sir Patrick Johnson, &c. Sir Patrick Johnson, &c. to have ad. per pound. E. XP.

How the allowances for the future shall be ascertained.

X. And for the better ascertaining and securing all such allowances as by law ought to be made for any fish or flesh exported, or hereafter to be exported from *Scotland*, which have been or shall be duly salted and cured only with foreign salt imported since the said first day of *May*, one thousand seven hundred and seven, or hereafter to be imported into *Scotland*, and for which her Majesty's duties payable by the act of union, have been, or shall have been first duly paid or secured; be it further enacted by the authority aforesaid, That all such allowances (not being already satisfied) shall be paid by the officer appointed to collect the duties upon salt payable in *Scotland*, out of the same duties arisen or to arise in the same port from whence any such fish have been or shall be exported, within thirty days after demand thereof, on a debenture to be prepared by the collectors of the customs in the port where such fish or flesh have been or shall be entred out for exportation, and verified by the person executing the office of searcher in such port, as to the quantity of fish or flesh actually shipped, and that the oath of the exporter or agent be first taken before the principal officers of the said port, before the debenture be allowed, who are hereby required and impowered to give the said oath, that the fish in every such debenture mentioned, were caught by her Majesty's subjects, inhabitants of *Great Britain*, and that the fish and flesh in such debenture

debenture mentioned, were really exported to parts beyond the seas for sale, and not intended to be reloaded in *Great Britain*, and were duly cured only with foreign salt imported into *Scotland* after the said first day of *May*, one thousand seven hundred and seven, without any mixture of *British* or *Irish* salt, and that her Majesty's duties for such imported salt shall have been duly paid or secured, all which particulars shall be specified in such debentures respectively, for which debenture or debentures no fee or reward shall be taken; and in case the officer hereby directed to pay such debenture, shall not have sufficient money in his hands to pay the same, then such officer and officers shall give a certificate in writing thereof, without fee or charge, to the exporter or his agent, to be directed either to the commissioners of the customs, or the commissioners of excise in *Scotland*, at the option of the said exporter, or his agent, and upon producing such certificates, together with the debenture or debentures so certified, to the commissioners of the customs, or the commissioners of excise for the time being, to whom such certificate shall be directed, shall cause such debenture or debentures so certified, to be paid and satisfied without fee or charge, in course, out of any her Majesty's duties arising upon salt in *Scotland*, or out of the said revenues of customs and excise in *Scotland*, or any of them, which are hereby charged therewith, and made liable thereunto, out of the first monies arising by the said revenues respectively, and with preference to all other payments whatsoever to be made out of the same; the charges of raising and managing those revenues, and the fees, salaries, and other charges allowed, or to be allowed by her Majesty, her heirs or successors, for keeping up the court of session and judiciary, and the Exchequer court in *Scotland*, always excepted, and foreprized; any law, statute, or usage to the contrary in any wise notwithstanding; and any officer or officers, commissioner or commissioners, to whom it may belong to certify or pay any such debenture or debentures, refusing or neglecting to do his or their duty therein, as is hereby directed, shall forfeit double the sum so to be paid, to the party grieved, to be recovered in the *Exchequer* of *Scotland*, as aforesaid.

By 10 Annæ,
c. 26. s. 108.
These salaries
are chargeable
on the customs
and excise, &c.

XI. Provided always, That nothing in this act contained shall extend to charge any part of, or lessen directly or indirectly the overplus of the customs of *Scotland*, exceeding the sum of thirty thousand pounds *per annum*, mentioned in the fifteenth article of the said union, or any part of the overplus of the excise of *Scotland*, exceeding the sum of thirty three thousand five hundred pounds *per annum*, mentioned in the same article; any thing herein contained to the contrary notwithstanding.

Not to charge
the overplus
of the customs
of excise in
Scotland.

CAP. XII.

An act for preserving the privileges of ambassadors, and other publick ministers of foreign princes and states.

WHEREAS several turbulent and disorderly persons having in a most outrageous manner insulted the person of his excellency Preamble, reciting that the Czar's am-

ambassador having been arrested,

Henry Andrew Artemonowitz Mattucof, ambassador extraordinary of his Czarish Majesty, Emperor of Great Russia, her Majesty's good friend and ally, by arresting him, and taking him by violence out of his coach in the publick street, and detaining him in custody for several hours, in contempt of the protection granted by her Majesty, contrary to the law of nations, and in prejudice of the rights and privileges which ambassadors and other publick ministers, authorized and received as such, have at all times been thereby possessed of, and ought to be kept sacred and inviolable; be it therefore declared by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That all actions and suits, writs and proceses commenced, sued, or prosecuted against the said ambassador, by any person or persons whatsoever, and all bail bonds given by the said ambassador, or any other person or persons on his behalf, and all recognizances of bail given or acknowledged in any such action or suit, and all proceedings upon or by pretext or colour of any such action or suit, writ or proces, and all judgments had thereupon, are utterly null and void, and shall be deemed and adjudged to be utterly null and void, to all intents, constructions, and purposes whatsoever.

enacted therefore, that all suits against him should be void.

And all proceedings against him and his bail vacated.

All proceses against any publick minister, or any of his servants, to be adjudged void for the time to come.

II. And be it enacted by the authority aforesaid, That all entries, proceedings, and records against the said ambassador, or his bail, shall be vacated and cancelled.

III. And to prevent the like insolencies for the future, be it further declared by the authority aforesaid, That all writs and proceses that shall at any time hereafter be sued forth or prosecuted; whereby the person of any ambassador, or other publick minister of any foreign prince or state, authorized and received as such by her Majesty, her heirs or successors, or the domestick, or domestick servant of any such ambassador, or other publick minister, may be arrested or imprisoned, or his or their goods or chattels may be distrained, seized, or attached, shall be deemed and adjudged to be utterly null and void to all intents, constructions, and purposes whatsoever.

Punishment for attornies, &c. suing forth such proceses.

IV. And be it further enacted by the authority aforesaid, That in case any person or persons shall presume to sue forth or prosecute any such writ or proces, such person and persons, and all attornies and solicitors prosecuting and soliciting in such case, and all officers executing any such writ or proces, being thereof convicted, by the confession of the party, or by the oath of one or more credible witness or witnesses, before the lord chancellor, or lord keeper of the great seal of *Great Britain*, the chief justice of the court of *Queen's Bench*, the chief justice of the court of *Common Pleas* for the time being, or any two of them, shall be deemed violators of the laws of nations, and disturbers of the publick repose, and shall suffer such pains, penalties, and corporal punishment, as the said lord chancellor, lord keeper, and the said chief justices, or any two of them shall judge fit to be imposed and inflicted.

V. Provided, and be it declared, That no merchant or other trader whatsoever, within the description of any of the statutes against bankrupts, who hath or shall put himself into the service of any such ambassador or publick minister, shall have or take any manner of benefit by this act; and that no person shall be proceeded against as having arrested the servant of an ambassador or publick minister, by virtue of this act, unless the name of such servant be first registred in the office of one of the principal secretaries of state, and by such secretary transmitted to the sheriffs of *London* and *Middlesex* for the time being, or their under sheriffs or deputies, who shall, upon the receipt thereof, hang up the same in some publick place in their offices, whereto all persons may resort, and take copies thereof, without fee or reward.

No merchant, &c. to have any benefit of this act: Nor the servant of an ambassador, unless his name be registred, &c.

VI. And be it further enacted by the authority aforesaid, That this act shall be taken and allowed in all courts within this kingdom as a publick act; and that all judges and justices shall take notice of it without special pleading; and all sheriffs, bailiffs, and other officers and ministers of justice, concerned in the execution of process, are hereby required to have regard to this act, as they will answer the contrary at their peril.

This act to be taken as a publick act.

v. Cal. Temp. Talb. 281.

C A P. XIII.

An act for the better ascertaining the lengths and breadths of woollen cloth made in the county of York.

I. WHEREAS divers abuses and deceits have of late years been used in the manufacture of woollen cloths in the county of York, with respect to the breadth, length, and over-stretching and straining of the same, which tends to the great debasing and undervaluing of the said manufacture, both at home and in foreign parts where the said cloths are vendid: for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That from and after the four and twentieth day of *June*, which shall be in the year of Lord one thousand seven hundred and nine, every broad cloth made in the said county of York, whether the same be called an end or half cloth, or a long or whole cloth, being well scoured, and fully mill'd, shall, at the least, be five quarters and an half by the standard yard wand in breadth within the lists, in the water, being fully wet; and every such cloth called an end or half cloth, shall not exceed in length three and twenty yards, being fully wet; and every such cloth called a long or whole cloth, shall not exceed forty six yards in length, being fully wet; and that all sorts of *Yorkshire* cloths called whole-thick-kerseys, and whole-thick-plains, shall not be made under seventeen yards and an half in length, and not less than three quarters and an half in breadth by the standard yard wand, when fully wet.

Breadth and length of broad cloth to be made in Yorkshire, after June 24, 1709. For length and breadth of *Yorkshire* cloth, see 1 Geo. 1. stat. 2. c. 15. s. 15.

II. And

Punishment of clothiers exposing cloth, otherwise made, to sale. For manufacture of cloth in the west riding of York, see 11 Geo. 2. c. 24. 7 Geo. 2. c. 25. 12 Geo. 2. c. 28.

II. And be it further enacted by the authority aforesaid, That if any clothier or other person shall, after the said four and twentieth day of *June*, in the said year one thousand seven hundred and nine, make, offer, or expose to sale any of the aforesaid cloths which shall be made after the said four and twentieth day of *June*, and not made according to the said respective breadths and lengths, every such person so offending, being thereof convicted by the oath of any overseer or searcher of cloth, appointed or to be appointed within the several and respective parishes or townships in the said county of *York*, by any former law now in force, or by the oath of one or more other credible witnesses before any justice of peace within the said county, or of any corporation within the same (provided such justice be not a merchant or trader in the woollen manufacture) which oath the said justices respectively are hereby impowered to administer, shall for every inch the said respective cloths shall be less than the said respective breadths, and for every yard the said broad cloths called a long or whole cloth, shall exceed the said length of six and forty yards, and for every yard the said broad cloth called an end or half cloth shall exceed the said length of three and twenty yards, and for every half yard the said whole-thick-kerseys or whole-thick-plains shall be less in length than seventeen yards and a half, as aforesaid, forfeit respectively the sum of twenty shillings.

Owners, &c. of fulling mills to fix a seal of lead, mentioning in figures the length and breadth of each cloth.

III. And be it further enacted by the authority aforesaid, That the owner or occupier of every fulling mill in the said county of *York*, where any of the said respective cloths shall be milled or full'd, shall fix or cause to be fixed at each end of every such cloth, before it is carried from the mill, a seal of lead, riveted and stamp't with his name, mentioning in figures the exact number of yards and inches that the said cloth contains in length and breadth, when wet, scoured, and milled, for which he shall be paid, by the owner of the said cloth, the sum of one penny, and no more.

Fellers refusing or neglecting, and persons defacing, &c. the said seal, or stretching the cloth more than is directed by this act,

IV. And be it further enacted, That if the owner or occupier of any such mill shall at any time refuse or neglect to fix such seal, as aforesaid, to any such cloth, or if any persons shall afterwards take off, deface, counterfeit, or alter the figures of any such seal, before the cloth is exported or sold to the retailer, or if any person whatsoever shall, after the said four and twentieth day of *June*, stretch or strain any piece of the said woollen cloths more than one inch in every quarter of a yard in the breadth, or any piece of the said broad cloths more than one yard in every twenty yards in length, or any piece of the said whole-thick-kerseys and whole-thick-plains more than half a yard in every seventeen yards and an half in length, when the said respective cloths are wet, scoured, and milled, as aforesaid, or if any owner or occupier of any such fulling mill, as aforesaid, shall, after the said twenty fourth day of *June*, mill or full, or cause to be milled or full'd in any one stock

stock at the said time, any more than one whole broad cloth, or two half broad cloths, then, and in every such case, every such person that shall so neglect or offend, and be thereof convicted in manner aforesaid, shall for every such neglect or offence forfeit the sum of twenty shillings.

to forfeit the sum of 20 s.

V. And be it further enacted, That all such forfeitures as shall happen by reason of this act, shall be the one half thereof to the informer, and the other half to the poor of the township or place where the offence shall be committed; and that if any offender shall, by the space of seven days next after he shall be convicted, refuse or neglect to pay any forfeiture by him incurred by reason of this act, then, and not before, it shall and may be lawful for the justice or justices of the peace before whom such conviction shall be made, and such justice or justices of the peace are hereby required, to issue out one or more warrants under his or their hands and seals, to the constables of the town or place where such offender doth inhabit or can be found, within the limits of their respective jurisdictions, to levy the same by distress and sale of the offender's goods, returning the overplus (if any be) to the offender; and where no sufficient distress can be found, to commit the offender to the house of correction, or gaol of the county or corporation, to be kept to hard labour for such time as the justice of the peace before whom such conviction shall be made, shall direct, not exceeding one month for any one offence.

One half of the forfeiture to the informer, the other to the poor. Offender not paying the forfeiture in 7 days after conviction, the justice to issue his warrant, to levy it by distress, &c. and if no distress, the offender to be committed to the house of correction, &c.

VI. Provided always, and be it enacted, That the penalties incurred by reason of this act, be inflicted within ten days next after the offences are committed, or discovered.

Penalty when to be inflicted.

VII. Provided always, That if it shall happen that any such clothes, as aforesaid, without any wilful default of the maker thereof, shall in some parts (not exceeding in the whole one fifth part of the length) be less than the respective breadths aforesaid, yet such clothes may be sold without incurring any of the penalties by this act imposed on the maker or seller thereof.

If any such clothes shall, without the default of the maker, be less than the breadth aforesaid, they may be sold without penalty.

VIII. And be it further enacted, That if any person or persons find him or themselves aggrieved by any order or warrant made by any justice or justices of the peace upon any conviction before him or them in pursuance of this act, such person or persons may appeal to the next general quarter sessions of the peace to be held for the county or place where such conviction shall be made, giving sufficient notice of such appeal; and if the justices of the peace at such sessions shall think fit to confirm or disannul the said order or warrant, they shall allow such costs and charges to the party aggrieved thereby as they shall think reasonable, to be levied and paid in such manner as is usual in other cases of appeals from the orders of any justices of the peace to the quarter sessions.

The party aggrieved may appeal to the sessions, who may allow costs.

IX. And be it further enacted by the authority aforesaid, That if any action or suit shall hereafter be commenced or prosecuted against any person or persons by this act authorized to

The defendant may plead the general issue,

put the same in execution, all and every person and persons so sued may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or a verdict pass against him, or judgment upon demurrer, the defendant or defendants shall recover his and their treble costs, for which he and they shall have like remedy as in cases whereina costs by law are given to defendants; and this act shall be taken and allowed as a publick act in all courts within this kingdom; and all judges and justices are hereby required to take notice thereof as such, without special pleading of the same.

and shall recover treble costs.

C A P. XIV.

An act for the better preservation of parochial libraries in that part of Great Britain called England.

WHEREAS in many places in the south parts of Great Britain called England and Wales, the provision for the clergy is so mean, that the necessary expence of books for the better prosecution of their studies cannot be defrayed by them; and whereas of late years, several charitable and well-disposed persons have by charitable contributions erected libraries within several parishes and districts in England and Wales; but some provision is wanting to preserve the same, and such others as shall be provided in the same manner, from embezzlement; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in every parish or place where such a library is or shall be erected, the same shall be preserved for such use and uses, as the same is and shall be given, and the orders and rules of the founder or founders of such libraries shall be observed and kept.

In every parish where a library shall be erected, it shall be preserved for the uses to which it is given, &c.

Incumbents, &c. before they use the library, shall give security to preserve it.

If any book be taken away, &c. the incumbent may bring trover, and shall recover treble damages, to the use of the library.

II. And for the encouragement of such founders and benefactors, and to the intent they may be satisfied, that their pious and charitable intent may not be frustrated; be it also enacted by the authority aforesaid, That every incumbent, rector, vicar, minister, or curate of a parish, before he shall be permitted to use and enjoy such library, shall enter into such security by bond or otherwise, for preservation of such library, and due observance of the rules and orders belonging to the same, as the proper ordinaries within their respective jurisdictions, in their discretion, shall think fit; and in case any book or books belonging to the said library shall be taken away and detained, it shall and may be lawful for the said incumbent, rector, vicar, minister, or curate for the time being, or any other person or persons, to bring an action of trover and conversion, in the name of the proper ordinaries within their respective jurisdictions; whereupon treble damages shall be given with full costs of suit; as if the same were his or their proper book or books, which damages shall be applied to the use and benefit of the said library,

III. And

III. And it is further enacted by the authority aforesaid, That it shall and may be lawful to and for the proper ordinary, or his commissary or official in his respective jurisdiction, or the archdeacon, or by his direction his official or surrogate, if the said archdeacon be not the incumbent of the place where such library is, in his or their respective visitation, to enquire into the state and condition of the said libraries, and to amend and redress the grievances and defects of and concerning the same, as to him or them shall seem meet; and it shall and may be lawful to and for the proper ordinary, from time to time, as often as shall be thought fit, to appoint such person or persons as he shall think fit, to view the state and condition of such libraries, and the said ordinaries, archdeacons; or officials respectively, shall have free access to the same at such times as they shall respectively appoint.

The ordinary, &c. may inquire into the state of the library, and amend the defects.

and appoint persons to inspect the library.

IV. And be it also further enacted by the authority aforesaid, That where any library is appropriated to the use of the minister of any parish or place, every rector, vicar, minister, or curate of the same, within six months after his institution, induction, or admission, shall make or cause to be made a new catalogue of all books remaining in, or belonging to such library, and shall sign the said catalogue, thereby acknowledging the custody and possession of the said books; which said catalogue so signed, shall be delivered to the proper ordinary within the time aforesaid, to be kept or registred in his court, without any fee or reward for the same.

Incumbent, &c. to make a catalogue of the books, to be deliver'd to the ordinary.

and registred without fee.

V. And be it further enacted by the authority aforesaid, That where there are any parochial libraries already erected, the incumbent, rector, vicar, minister, or curate of such parish or place, shall make or cause to be made a catalogue of all books in the same, thereby acknowledging the custody and possession thereof; which catalogue so signed, shall be delivered to the proper ordinary, on or before the nine and twentieth day of *September*, which shall be in the year of our Lord one thousand seven hundred and nine; and where any library shall at any time hereafter be given and appropriated to the use of any parish or place, where there shall be an incumbent, rector, vicar, minister, or curate in possession, such incumbent, rector, vicar, minister, or curate, shall make or cause to be made a catalogue of all the books, and deliver the same, as aforesaid, within six months after he shall receive such library.

Where libraries are already erected, such catalogues to be made, &c. before 29 Sept. 1709. And where any shall be erected, within 6 months after.

VI. And to prevent any imbezilment of books upon the death or removal of any incumbent, be it also enacted by the authority aforesaid, That immediately after the death or removal of any incumbent, rector, vicar, minister, or curate, the library belonging to such parish or place shall be forthwith shut up, and locked, or otherwise secured by the churchwarden or churchwardens for the time being, or by such person or persons as shall be authorized or appointed by the proper ordinary, or archdeacon respectively, so that the same shall not be opened again, till a new incumbent, rector, vicar, minister, or curate shall

Upon the death or removal of any incumbent, the churchwardens shall lock up the library.

shall be inducted or admitted into the church of such parish or place.

The vestry, &c. may meet in such libraries, if they did so formerly.

VII. Provided always, That in case the place where such library is or shall be kept, shall be used for any publick occasion for meeting of the vestry, or otherwise, for the dispatch of any business of the said parish, or for any other publick occasion, for which the said place hath been ordinarily used, the place shall nevertheless be made use of as formerly for such purposes, and after such business dispatched, shall be again forthwith shut and lockt up, or otherwise secured, as is before directed.

The incumbent shall enter the benefactions, and books.

VII. And be it also further enacted by the authority aforesaid, That for the better preservation of the books belonging to such libraries, and that the benefactions given towards the same may appear, a book shall be kept within the said library for the entering and registring of all such benefactions, and such books as shall be given towards the same, and therein the minister, rector, vicar, or curate of the said parish or place, shall enter or cause to be fairly entred such benefaction, and an account of all such books as shall from time to time be given, and by whom given.

The ordinary and donor may make orders concerning the library;

IX. And for the better governing the said libraries, and preserving of the same, it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the proper ordinary, together with the donor of such benefaction, (if living) and after the death of such donor, for the proper ordinary alone, to make such other rules and orders concerning the same, over and above, and besides, but not contrary to such as the donor of such benefaction shall in his discretion judge fit and necessary; which said orders and rules so to be made, shall, from time to time, be entred in the said book, or some other book to be prepared for that purpose, and kept in the said library.

which shall be entred, as aforesaid.

Books not to be alienable without consent of the ordinary. If any book be lost, a justice of peace may grant a warrant to search for it; and if found, it shall be restored to the library.

X. And it is further enacted and declared by the authority aforesaid, That none of the said books shall in any case be alienable, nor any book or books that shall hereafter be given by any benefactor or benefactors shall be alienated, without the consent of the proper ordinary, and then only when there is a duplicate of such book or books; and that in case any book or books be taken or otherwise lost out of the said library, it shall and may be lawful to and for any justice of peace within the county, riding, or division, to grant his warrant to search for the same, and in case the same be found, such book or books so found shall immediately, by order of such justice, be restored to the said library; any law, statute, or usage to the contrary in any wise notwithstanding.

This act shall not extend to a library erected in Ryegate in Surrey.

XI. Provided always, That nothing in this act contained shall extend to a publick library lately erected in the parish of *Ryegate* in the county of *Surrey*, for the use of the freeholders, vicar, and inhabitants of the said parish, and of the gentlemen and clergymen inhabiting in parts thereto adjacent; the said library

brary being constituted in another manner than the libraries provided for by this act.

CAP. XV.

An act for altering Whitsuntide and Lammas terms, for the court of Exchequer in Scotland.

I. **W**HEREAS it is found to be most convenient for the subjects of Scotland, that the terms to be kept and observed there, for the sitting of the court of Exchequer, should be at the same time that the court of the lords of session is held and kept there; and that therefore it is inconvenient that Whitsuntide term for the said court of Exchequer should begin before the month of June, or that Lammas term for the same court should continue after the month of July; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That *Whitsuntide* term for the said court of Exchequer, shall at all times hereafter begin upon the first day of *June*, and shall end upon the two and twentieth day of the said month of *June*, and that *Lammas* term for the same court shall also at all times hereafter begin upon the seventh day of *July*, and end upon the six and twentieth day of the same month, except any of the said days, upon which the said terms are appointed to begin and end, happen to be upon a *Sunday*, in which case the beginning or ending of such term, in which that happens, shall be upon the day following.

Whitsuntide term for the court of Exchequer in Scotland, to begin June 1. and end June 22.

Lammas term to begin July 7. and end July 26.

Except any of the said days be Sunday.

II. And be it further enacted by the authority aforesaid, That all processes of the said court of Exchequer which are returnable upon the first day of *Whitsuntide* term next ensuing, shall be returned into the said court upon the first day of *June* next ensuing, and all persons obliged to appear or answer in the said court upon the first day of the said term, shall be obliged to appear and answer there upon the said first day of *June*, as fully to all intents and purposes, as such returns, appearances, or answers ought to have been upon the five and twentieth day of *May* next, if such alteration of the said term, as is above, had not been made.

All processes returnable the first day of Whitsuntide term next, shall be returned the first of June.

CAP. XVI.

An act to prevent the laying of wagers relating to the publick.

WHEREAS several persons have of late years laid wagers, and executed several policies for payment of great sums of money, upon several contingencies relating to the present war, and other matters relating to the government; which practice hath been found to be inconvenient to the publick; for preventing whereof for the future, be it enacted, &c.

After the last of March, 1709. all wagers relating to the war, and all policies of assurance for payment thereof, shall be void: and all persons making such wagers, all brokers, &c. shall forfeit double the sum of such wagers.

E X P.

gers. One moiety to the Queen, the other to the prosecutor. This act shall not extend to any assurance on any ship, &c. nor to boards of bot-tomry, &c.

CAP. XVII.

An act for making more effectual an act made in the sixth year of her Majesty's reign, for the better preventing of mischiefs that may happen by fire.

I. **W**HEREAS by an act made in the last session of parliament, holden in the sixth year of her Majesty's reign, intituled, An act for the better preventing mischiefs that happen by fire, it was, amongst other things, enacted, That each and every parish within the cities of London and Westminster, and weekly bills of mortality, shall from time to time, and at all times, have and keep in good order and repair, in some known and publick place within each parish, a large engine, and also a hand engine, to throw up water for the extinguishing of fires, and also provide, keep, and maintain one leather pipe and socket of the same size as the plug or fire cock, to the intent the socket may be put into the pipe to convey the water clean, and without loss, or help of the bucket, into the engine; and for as much as several of the parishes within the said city of London were, after the great fire which happened in the year one thousand six hundred sixty and six, united together, or to each other, and for that some doubt hath arisen, whether each of the said parishes so united is not obliged to have and keep two such engines; therefore for explaining the same, and avoiding of any dispute or question that may arise touching the construction thereof, be it declared and enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said parishes so united were intended to be, and shall (for the purposes in the said act mentioned) be esteemed and taken as one parish only.

The parishes in London, united after the fire, shall be taken as one parish for the purposes in the act
6 Ann. c. 31.

The rewards to the turn cock and others, how to be paid.

II. *And whereas by the said act a reward of ten shillings is to be paid to the turn cock belonging to any water work, whose water shall be found on, or first come into the main or pipe where the first plug shall be opened at any fire; thirty shillings to the first engine keeper which brings in a parish engine to help to extinguish any fire; twenty shillings to the keeper of the second parish engine that shall be next brought to a fire; and to the third ten shillings; by the churchwardens of each parish where such fire shall happen; be it further enacted by the authority aforesaid, That in all cases where the said rewards are claimed, by reason of any fire happening within the said city of London, or the liberties thereof, the churchwardens of the parish where such fire shall happen, shall not pay the said rewards, or any of them, without the approbation and direction of the alderman of the ward wherein such parish is situate, or his deputy, or two of the common councilmen of the same ward for the time being; and that the said several rewards shall likewise be paid and payable in like proportion, and in the same manner, to the keeper of any other large engine,*
(though

(though not a parish engine) who shall bring in such large engine to help to extinguish any fire, in good order, and complete.

III. Provided nevertheless, and it is further enacted, That in case the vestries of any of the said united parishes, or of any other parishes within the weekly bills of mortality, shall at any time conceive it necessary for the said parish, in respect of the largeness thereof, to have more than one great engine or hand engines, it shall and may be lawful for them to provide more great engine or engines, hand engine or hand engines, at the charge of the parish, by an assessment to be made, as by the said former and this present act is prescribed and provided; and that the same shall be under the like regulations and encouragements as the engine or engines respectively to be provided by the said former act were and are to be.

The vestries may order more engines than one to be kept in a parish.

IV. And to the end the said act may be made more effectual for the purposes the same was intended, it is further enacted, That there shall be left at the house, upon which there is a notice of a fire plug, a key to open the stop cock, and also a pipe for the water to come thereout, to be made use of as occasion shall require.

A key and pipe to be left at the house where there is notice of a fire plug.

V. And whereas there is no provision made for raising monies to defray the necessary charges of providing and maintaining the said engine or engines, stop blocks and fire cocks, and keys, and other implements and materials, and payment of the rewards or gratuities directed by the said act; be it further enacted by the authority aforesaid, That the churchwardens, overseers of the poor, and inhabitants, in a vestry duly summoned, of the several parishes within the limits aforesaid, shall and may, and they are hereby required from time to time (as often as there shall be occasion) to rate and assess such competent sum and sums of money as shall be needful and requisite for the ends aforesaid, in like manner as by law they may do for the maintenance and relief of the poor of their respective parishes; which rates being allowed and confirmed in like manner as the rates made for the poor are or ought to be, shall be collected and levied in the same manner as the rates made for the relief of the poor by law now may or ought to be collected and levied, subject nevertheless to the like appeal as in case of rates made for the relief of the poor; and the said officers shall be accountable for the same in like manner as by law they are for the money by them levied and collected for the relief of the poor.

The parish officers, &c. may assess rates for maintaining the engines, &c.

to be levied as poor rates.

but subject to the like appeal.

VI. And be it further enacted by the authority aforesaid, That where any stop blocks of wood with plugs, or any fire cocks, have been or shall hereafter be made and fixed upon any mains and pipes belonging to any water works by virtue of this or the said former act, the owners of the said water works shall afterwards remove, change, or alter the said mains or pipes, then in every such case the owners of the said mains or pipes shall, at their own proper charges, place and fix the same or the like stop blocks, plugs, and fire cocks upon such new main or pipe so to be new laid, to be placed where the churchwardens for the

In case of removal of mains or pipes, the like stop blocks shall be fixed, and the key removed to the house where the fire pipe is.

time being of the parish where the same were placed, shall direct and appoint; and in such case of removal, the key and pipe shall be removed to the house upon which notice shall be of such fire plug.

The clause in the act 6 Ann. c. 31. that party walls should be wholly of brick or stone, shall not extend to houses on London Bridge.

VII. *And whereas by the said act it was further enacted, That all and every house and houses that should be erected and built, either upon old or new foundations, in any place or places in and about the cities of London and Westminster, or other parishes or places comprized within the weekly bills of mortality, shall have party walls between house and house wholly of brick or stone, and of two bricks thick at the least in the cellar and ground stories, and thirteen inches thick upwards from the foundation quite through all the stories of each house, and eighteen inches above the roof, and that no muntillion or cornish of timber or wood under the eaves, should thereafter be made or suffered in any such new house or houses; but that all front and rear walls of every house and houses, shall be built of brick or stone, to be carried two foot and an half high above the garret floor, and coped with stone or brick; be it declared and enacted by the authority aforesaid, That the said recited clause was not intended, or shall be construed, to extend to any house or houses hereafter to be erected and built upon any part of London Bridge, but that the same may be erected and built with wood and timber, as hath been always hitherto used; the said recited clause, or any other clause in the said act contained to the contrary thereof in any wise notwithstanding.*

After May 1, 1709, all houses within the bills of mortality, (except on London Bridge, &c.) that shall be built on old or new foundations, shall have party walls between house and house, except door cases, &c.

VIII. *And be it further enacted by the authority aforesaid, That from and after the first day of May, which shall be in the year of our Lord one thousand seven hundred and nine, all and every house and houses that shall be erected and built, either upon old or new foundations, in any place or places in and about the cities of London and Westminster, or other parishes or places comprized within the weekly bills of mortality, (except houses on London Bridge, and on the river of Thames below bridge) shall have party walls between house and house, wholly of brick or stone (except door cases, windows, lentsils, breast summers, story posts, and plates) of two bricks thick at the least in the cellar, and one brick and an half thick upwards to the top of the garret floor, and all gable ends to be one brick in length, and eighteen inches above the roof, and to have no beams or rafters lie or stand, or be in the brick works of the gable ends.*

How the party walls shall be built.

IX. *And whereas many suits of law have been brought about differences in party walls, be it further enacted by the authority aforesaid, That all party walls that shall hereafter be built, shall be built nine inches on each man's ground, whether the old party wall be brick, stone, or timber, and that the first builders shall have power to pull down the same, and build up the new party wall, as aforesaid, and be paid by the owner of the next house after the rate of five pounds per rod as soon as he shall have built the said party wall; and for all houses hereafter to be built that will not yield the rent of twenty pounds per annum more*

For the pulling down of party walls, see 11 Geo. 1. c. 28. s. 1.

more than the ground rent, to be left to the discretion of the builders: provided that all party walls for the same be built with brick.

X. And be it further enacted by the authority aforesaid, That all chimney jambs and backs that shall hereafter be erected or built, shall be nine inches thick from the cellars to the roof, and all withs the inside of such chimnies, shall be four inches and an half in breadth, and all the funnels plaistered or pargetted the inside from the bottom to the top, and that all chimnies be turned or arched under the hearths with brick, (except upon a ground floor) and that no timber shall lie nearer than five inches to any chimney, funnel, or fire place; and all mantles between the jambs arched over with brick, and no wood or wainscot shall be placed or affixed to the front of any jamb or mantle of any chimney, nearer than five inches from the inside of such jamb or mantle; and that all gable ends called nine inches thick in party walls, be rendred on the ruffest side; and that all stoves and boilers, coppers, and ovens that shall be hereafter set up with brick or stone, shall not be nearer than nine inches at the least to the adjoining house, and no timber to lie nearer than five inches to any fire place or flew.

How chimney jambs, backs, &c. shall be built,

XI. And whereas the distilling of turpentine, and the drawing of oil of turpentine and rosin by distilling of common turpentine, and the boiling of the said oil and turpentine together for making of common varnish, within the city of London, and the liberties thereof, has often been, and may hereafter prove of the most dangerous consequence to the neighbourhood where such trade or practice has been used, by the frequent fires that have and may happen thereby: for preventing whereof for the future, be it enacted by the authority aforesaid, That from and after the nine and twentieth day of September, one thousand seven hundred and nine, it shall not be lawful for any person or persons to distil or boil any turpentine, nor draw any oil of turpentine and rosin by distilling of common turpentine, nor boil the said oil and turpentine together, above the quantity of ten gallons at any one time, of all or any the said commodities, within the said city of London, and liberties thereof, and the city of Westminster, and borough of Southwark, and the liberties thereof, in any workhouse contiguous to any other building, but shall stand distant from any other building at least fifty foot, except such houses as are already built in Southwark, and are at present used for the said trade, and except the still and furnace built by Daniel Tombes at his house at Holborn Bridge for the distillation of oil of turpentine; upon pain that every person offending therein, shall, for every offence, forfeit the sum of one hundred pounds, which forfeitures shall and may be recovered, with treble costs of suit, by action of debt, bill, plaint, or information in any of her Majesty's courts of record at Westminster, wherein no essoin, protection, privilege, or wager of law shall be granted or allowed, nor any more than one imparlance; one moiety whereof shall be to her Majesty, her heirs and successors, and the other

Not above 10 gallons of turpentine, &c. shall be boiled or distilled at one time in any workhouse contiguous to other buildings (except in houses already built in Southwark, &c.)

upon pain of forfeiting 100 l. to be recovered with treble costs;

one moiety to the Queen, the other to him who will sue &c.

moiety to such person or persons as shall inform and sue for the same.

After June, 1709, no brick or stone work in the fronts, &c.

XII. *And whereas frequent and great damage happens to houses by fire, as likewise constant decay and ruin, by setting brick-work upon timber,* be it enacted by the authority aforesaid, That from and after the first day of June, one thousand seven hundred and nine, no brick or stone-work in the fronts, party, or partition walls of any house, tenement, or other building whatsoever, which shall be erected upon any new or old foundation within the cities of London and Westminster, or their liberties, shall be supported, depend, or any otherwise bear upon any sort of timber or wood work (excepting upon piles and planks where they are absolutely necessary for foundations in marshy and unground ground, and excepting likewise all houses upon London Bridge, and on the river of Thames below bridge) upon pain that every person so offending shall, for every such offence, suffer imprisonment for three months without bail or mainprize.

shall bear upon timber, &c. on the penalty of 3 months imprisonment.

XIII. *And whereas, since frames of wood have been in use for doors and windows, it has been the common practice of workmen, to set them very near, and often quite ranging with the outside face of the wall, by which means (being under no shelter from the weather) they soon rot and perish occasioning great cost and expence in perpetual repairs:* For prevention of such evil and unskilful practice for the future, be it enacted by the authority aforesaid, That from and after the said first day of June, one thousand seven hundred and nine, no door frame, or window frame of wood to be used in any house or building, which shall be erected upon old or new foundations within the aforesaid cities of London and Westminster, or their liberties (except houses on London Bridge, and on the river of Thames below bridge) shall be set nearer to the outside face of the wall than four inches.

No door frame, &c. of wood to be nearer the outside of the wall than 4 inches.

C A P. XVIII.

An act to preserve the rights of patrons to advowsons.

FORASMUCH as the pleading in a *Quare impedit* is found very difficult, whereby many patrons are either defeated of their rights of presentation, or put to great charge and trouble to recover their right, which is occasioned by the law as it now is: for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That no usurpation upon any avoidance in any church, vicarage, or other ecclesiastical promotion, shall displace the estate or interest of any person entitled to the advowson or patronage thereof, or turn it to a right, but he or she that would have had a right, if no usurpation had been, may present or maintain his or her *Quare impedit* upon the next, or any other avoidance, if disturbed, notwithstanding such usurpation; and if coparceners, or joint tenants, or tenants in common be seized of any estate of inheritance in the advowson of any church or vicarage, or other ecclesiastical promotion, and

No usurpation shall displace the estate of the patron, but he may maintain a *Quare impedit*, It coparceners, &c. be seized of an advowson, &c. and a par-

and a partition is or shall be made between them to present by turns, that thereupon every one shall be taken and adjudged to be seized of his or her separate part of the advowson to present in his or her turn; as if there be two, and they make such partition, each shall be said to be seized, the one of the one moiety to present in the first turn, the other of the other moiety to present in the second turn; in like manner, if there be three, four, or more, every one shall be said to be seized of his or her part, and to present in his or her turn.

tition is made to present by turns, each shall be seized of a separate estate to present accordingly.

C A P. XIX.

An Act to enable infants who are seized or possessed of estates in fee, in trust, or by way of mortgage, to make conveyances of such estates.

WHEREAS many inconveniencies do and may arise by reason that persons under the age of one and twenty years, having estates in lands, tenements, or hereditaments, only in trust for others, or by way of mortgage, cannot (though by the direction of the Cestuy que trust, or mortgagor) convey any sure estate in any such lands, tenements, or hereditaments, to any other person or persons: for remedy thereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of *May*, one thousand seven hundred and nine, it shall and may be lawful to and for any such person or persons, under the age of one and twenty years, by the direction of the high court of *Chancery* or the court of *Exchequer*, signified by an order made upon hearing all parties concerned, on the petition of the person or persons for whom such infant or infants shall be seized or possessed in trust, or of the mortgagor or mortgagors, or guardian or guardians of such infant or infants, or person or persons entitled to the monies secured by or upon any lands, tenements, or hereditaments, whereof any infant or infants are or shall be seized or possessed by way of mortgage, or of the person or persons entitled to the redemption thereof, to convey and assure any such lands, tenements, or hereditaments, in such manner as the said court of *Chancery* or the court of *Exchequer* shall, by such order so to be obtained, direct, to any other person or persons; and such conveyance or assurance so to be had and made, as aforesaid, shall be as good and effectual in law to all intents and purposes whatsoever, as if the said infants or infant were, at the time of making such conveyance or assurance, of the full age of one and twenty years; any law, custom, or usage to the contrary in any wise notwithstanding.

After 10 May : 1709, any person under the age of 21, being trustee, &c. may by the directions of the courts of Chancery, or Exchequer, convey such lands, &c.

and such conveyance shall be good.

II. And be it further enacted by the authority aforesaid, That all or every such infant or infants, being only trustee or trustees, mortgagee or mortgagees, as aforesaid, shall and may be compelled by such order so, as aforesaid, to be obtained,

An infant being trustee, &c. may be compelled to make such

His oath.

YOU shall swear, That you will truly and faithfully perform and execute the office and duty that is directed and required by you to be done by all of parliament, intialed, An act for the publick registering of deeds, conveyances, and wills, and other incumbances which shall be made of, or that may affect any honors, manors, lands, tenements, or hereditaments, within the county of *Middlesex*, after the twenty ninth day of *September*, one thousand seven hundred and nine; and that you have not given or promised, directly or indirectly, nor authorised any person to give or promise any money, gratuity, or reward whatsoever, for procuring or obtaining the said office for you :

So help you GOD.

Register misdemeaning himself, how punished.

IV. And be it further enacted by the authority aforesaid, That if such person so appointed register or master, shall be lawfully convicted of any neglect, misdemeanor, or fraudulent practice in the execution of the said office, he shall be liable to pay treble damages, with full costs of suit, to every person that shall be injured thereby, to be recovered as is herein after directed.

Memorials to be in parchment, &c.

V. And be it further enacted by the authority aforesaid, That all and every memorials, so to be entred and registred, shall be put into writing in vellum or parchment, and brought to the said office, and in case of deeds and conveyances shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors or administrators, guardians or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance; which witness shall, upon his oath before one of the said registers, or masters, or before a master in *Chancery* ordinary or extraordinary, prove the signing and sealing of such memorial; and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorial shall be under the hand and seal of some or one of the devisees, his or their heirs, executors or administrators, guardians or trustees; attested by two witnesses, one whereof shall, upon his oath before the said registers or masters, or before such master in *Chancery*, as aforesaid, prove the signing and sealing of such memorial; which respective oaths the said registers or masters, and masters in *Chancery*, are hereby impowered to administer, and shall indorse a certificate thereof on every such memorial, and sign the same.

Memorials of deeds, &c. how to be attested,

and how memorials of wills.

Memorials to contain the day and year of the date, &c.

VI. And be it further enacted, That every memorial of any deed, conveyance, or will, shall contain the day of the month and the year when such deed, conveyance, or will bears date, and the names and additions of all the parties to such deed or conveyance, and of the devisor or testatrix of such will, and of all the witnesses to such deed, conveyance, or will, and the places of their abode, and shall express or mention the honors, manors, lands, tenements, and hereditaments contained in such deed, conveyance, or will, and the names of all the parishes, townships, hamlets, precincts, or extraparochial places within the

said

aforsaid, be it further enacted by the authority aforsaid, That one publick office for registering such memorials of and concerning any honors, manors, lands, tenements, and hereditaments, that are situate, lying, and being within the said county, shall be erected and established in manner following; that is to say, That for the better and more effectual putting in execution the several matters and things in this act contained, the sworn clerk to execute the office of enrolment in the high court of *Chancery*, who is appointed to enrol for the county of *Middlesex*, the chief clerk to enrol pleas in the *Queen's Bench*, the clerk of the warrants in the court of *Common Pleas*, and the *Queen's remembrancer*, or his deputy in the court of *Exchequer*, shall be the registers or masters of the office for the matters and things in this act contained, and also shall and may, from time to time, nominate and appoint one or more able and sufficient person or persons, for whom they shall be accountable, to be their deputy or deputies; which said registers or their deputies shall well and truly do and perform all and every the matters and things intended by this act to be done and performed, in some convenient office or place to be provided by the said clerks or registers in or near some of the inns of court or *Chancery*, where- to all persons may have free resort at the times appointed by this act; and that the said clerks or registers shall present such deputy or deputies to the lord high chancellor, or lord keeper, or lords commissioners of the great seal of *Great Britain*, to the chief justice of the *Queen's Bench*, to the chief justice of the *Common Pleas*, and to the chief baron of the court of *Exchequer* for the time being, to be by them, or any three of them, approved of, before such deputy or deputies shall enter upon the execution of the said office; and that such deputy or deputies shall and may be displaced and removed by the said lord high chancellor, or lord keeper, or lords commissioners of the great seal, the chief justices of the *Queen's Bench* and *Common Pleas*, and chief baron, or any three of them, by any writing under their hands and seals; and that the said lord chancellor, or lord keeper, or lords commissioners of the great seal, the two chief justices, and chief baron, or any three of them, shall, from time to time, have full power and authority to make such rules and orders for the better management and government of the said office, agreeable to the form and true intention of this act, as they shall find convenient and necessary.

III. And be it further enacted, That every such register or master, before he enter upon the execution of the said office, shall be sworn before the lord chancellor, or lord keeper, or lords commissioners of the great seal of *Great Britain*, or the chief justice of the *Queen's Bench*, chief justice of the *Common Pleas*, and chief baron of the court of *Exchequer*, or any one of them (who are hereby impowered and required to administer such oath) in these words:

His oath.

YOU shall swear, That you will truly and faithfully perform and execute the office and duty that is directed and required by you to be done by act of parliament, intituled, An act for the publick registering of deeds, conveyances, and wills, and other incumbrances which shall be made of, or that may affect any honors, manors, lands, tenements, or hereditaments, within the county of *Middlesex*, after the twenty ninth day of *September*, one thousand seven hundred and nine; and that you have not given or promised, directly or indirectly, nor authorized any person to give or promise any money, gratuity, or reward whatsoever, for procuring or obtaining the said office for you :

So help you GOD.

Register misdemeaning himself, how punished.

IV. And be it further enacted by the authority aforesaid, That if such person so appointed register or master, shall be lawfully convicted of any neglect, misdemeanor, or fraudulent practice in the execution of the said office, he shall be liable to pay treble damages, with full costs of suit, to every person that shall be injured thereby, to be recovered as is herein after directed.

Memorials to be in parchment, &c.

V. And be it further enacted by the authority aforesaid, That all and every memorials, so to be entred and registred, shall be put into writing in vellum or parchment, and brought to the said office, and in case of deeds and conveyances shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors or administrators, guardians or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance; which witness shall, upon his oath before one of the said registers, or masters, or before a master in *Chancery* ordinary or extraordinary, prove the signing and sealing of such memorial; and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorial shall be under the hand and seal of some or one of the devises, his or their heirs, executors or administrators, guardians or trustees; attested by two witnesses, one whereof shall, upon his oath before the said registers or masters, or before such master in *Chancery*, as aforesaid, prove the signing and sealing of such memorial; which respective oaths the said registers or masters, and masters in *Chancery*, are hereby impowered to administer, and shall indorse a certificate thereof on every such memorial, and sign the same.

Memorials of deeds, &c. how to be attested,

and how memorials of wills.

Memorials to contain the day and year of the date, &c.

VI. And be it further enacted, That every memorial of any deed, conveyance, or will, shall contain the day of the month and the year when such deed, conveyance, or will bears date, and the names and additions of all the parties to such deed or conveyance, and of the devisor or testatrix of such will, and of all the witnesses to such deed, conveyance, or will, and the places of their abode, and shall express or mention the honors, manors, lands, tenements, and hereditaments contained in such deed, conveyance, or will, and the names of all the parishes, townships, hamlets, precincts, or extraparochial places within the said

said county where any such honors, manors, lands, tenements, or hereditaments are lying or being, that are given, granted, conveyed, devised, or any way affected or charged by any such deed, conveyance, or will, in such manner as the same are expressed, or mentioned in such deed, conveyance, or will, or to the same effect; and that every such deed, conveyance, and will, or probat of the same, of which such memorial is so to be registred as aforesaid, shall be produced to the said registers or masters at the time of entering such memorial, who shall endorse a certificate on every such deed, conveyance, and will, or probat thereof, and therein mention the certain day, hour, and time on which such memorial is so entred or registred, expressing also in what book, page, and number the same is entred; and that the said registers or masters shall sign the said certificate when so indorsed; which certificates shall be taken and allowed as evidence of such respective registries in all courts of record whatsoever; and that every page of such register books, and every memorial that shall be entred therein, shall be numbred, and the day of the month, and the year, and hour, or time of the day when every the said memorial is registred, shall be entred in the margents of register books, and in the margents of the said memorial; and that every such register or master shall keep an alphabetical calendar of all parishes, extraparochial places and townships within the said county with reference to the number of every memorial that concerns the honors, manors, lands, tenements, or hereditaments in every such parish, extraparochial place or township respectively, and of the names of the parishes mentioned in such memorials; and that such register or master shall duly file every such memorial in order of time as the same shall be brought to the said office, and enter or register the said memorials in the same order that they shall respectively come to his hands.

VII. Provided always, and be it enacted, That where there are more writings than one, for making and perfecting any conveyance or security, which do name, mention, or any ways affect or concern the same honors, manors, lands, tenements, or hereditaments, it shall be a sufficient memorial and register thereof, if all the said honors, manors, lands, tenements, and hereditaments, and the parishes, townships, hamlets, or extraparochial places wherein the same lie, be only once named or mentioned in the memorial or register of any one of the deeds or writings made for the perfecting of such conveyance or security; and that the dates of the rest of the said deeds or writings relating to the said conveyance or security, with the names and additions of the parties, and witnesses, and the places of their abodes, be only set down in the memorials and registers of the same, with a reference to the deed or writing whereof the memorial is so registred, that contains or expresses the parcels mentioned in all the said deeds, and directions how to find the registring the same.

VIII. Provided also, and it is hereby enacted, That all memorials of wills that shall be registred in manner, as aforesaid, within

Every such deed, &c. shall be produced to the registers, &c. who shall indorse a certificate, which shall be allowed as evidence.

The page of the register books, and the memorials entred, shall be numbred. Register to keep an alphabet of all parishes, &c. and duly file the memorials in order of time.

If there be more writings than one which affect the same hereditaments, &c. they need be named but once in the memorial, and the dates, &c. of the rest only to be set down.

Memorials of wills to be registred in within

6 months after
testator's
death, dying
within Great
Britain, and
3 years if
beyond sea.

within the space of six months after the death of every respective devisor or testatrix, dying within the kingdom of Great Britain, or within the space of three years after the death of every respective devisor or testatrix, dying upon the sea, or in any parts beyond the seas, shall be as valid and effectual against subsequent purchasers, as if the same had been registred immediately after the death of such respective devisor or testatrix; any thing herein contained to the contrary thereof in any wise notwithstanding.

If the devisee
be disabled,
the registry in
6 months after
the disability
removed, shall
be sufficient.

IX. Provided always, That in case the devisee, or person or persons interested in the honors, manors, lands, tenements, or hereditaments, devised by any such will, as aforesaid, by reason of the concealment or suppression, or contesting such will, or other inevitable difficulty, without his, her, or their wilful neglect or default, shall be disabled to exhibit a memorial for the registry thereof within the respective times herein before limited, and that a memorial shall be entred in the said office of such contest, or other impediment, within the space of two years after the death of such devisor or testatrix, who shall die within the kingdom of Great Britain, or within the space of four years next after the decease of such person who shall die upon the sea, or beyond the seas, then, and in such case, the registry of the memorial of such will, within the space of six months next after his, her, or their attainment of such will, or a probat thereof, or removal of the impediment whereby he, she, or they are disabled or hindred to exhibit such memorial, shall be a sufficient registry within the meaning of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Will conceal-
ed, &c. if not
registred in
5 years after
the devisor's
death, shall
not defeat a
purchase.
Fees of the
register.

X. Provided nevertheless, That in case of any concealment, or suppression of any will, or devise, any purchaser or purchasers shall not be disturbed, or defeated in his or their purchase, unless the will be actually registred within five years after the death of the devisor or testatrix.

XI. And be it further enacted, That every such register or master shall be allowed for the entry of every such memorial, as is by this act directed, the sum of one shilling, and no more, in case the same do not exceed two hundred words; but if such memorial shall exceed two hundred words, then after the rate and proportion of six pence an hundred for all the words contained in such memorial, over and above the first two hundred words, and the like fees for the like number of words contained in every certificate or copy given out of the said office, and no more, and for every search in the said office, one shilling, and no more.

Register to
give due at-
tendance,

XII. And be it further enacted by the authority aforesaid, That every such register or master shall give due attendance at his office every day in the week (except *Sundays* and holy-days) between the hours of nine and twelve in the forenoon, and the hours of two and five in the afternoon, for the dispatch of all business belonging to the said office; and that every such register

gister or master, as often as is required, shall make searches and make concerning all memorials that are registred, as aforesaid, and give certificates concerning the same under his hand (if required by any person) testified by two credible witnesses. searches when required.

XIII. And be it further enacted by the authority aforesaid, Register, &c. That each of the said registers or masters, at the time of his being sworn into the said office, as aforesaid, shall enter into a recognizance with two or more sufficient sureties (to be approved of by the lord chancellor, or lord keeper, or lords commissioners of the great seal of *Great Britain*, or the chief justice of the *Queen's Bench*, chief justice of the *Common Pleas*, and chief baron of the court of *Exchequer*, or any one of them) of the penalty of two thousand pounds unto her Majesty, her heirs and successors, to be taken by one of the said chief justices, conditioned for his true and faithful performance of his duty in the execution of his said office, in all things directed and required by this act; the same to be transmitted by such chief justice within one month next after the date thereof, into the office of her Majesty's remembrancer of the *Exchequer*, there to remain amongst the records of the said court.

XIV. And be it further enacted, That the damages before-mentioned, to be forfeited by any such register or master, for any neglect, misdemeanor, or fraudulent practice in the execution of his office, shall be recovered by action of debt, bill, plaint, or information in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law shall be allowed, nor any more than one imparlance. Forfeiture for his neglect, how to be recovered.

XV. And be it further enacted, That if any person or persons shall at any time forge or counterfeit any entry of the acknowledgement of any such memorial, certificate, or indorsement, as is herein mentioned or directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties as in and by an act made in the fifth year of *Queen Elizabeth*, intituled, *An act against forgers of false deeds and writings*, are imposed upon persons for forging and publishing of false deeds, charters, or writings, sealed court rolls, or wills, whereby the freehold or inheritance of any person or persons of, in, or to any lands, tenements, or hereditaments shall or may be molested, troubled, or charged; and that if any person or persons shall at any time swear himself before the said registers or masters, or before any judge, or master in *Chancery*, in any of the cases herein mentioned, and be thereof lawfully convicted, such person or persons shall incur and be liable to the same penalties as if the same oath had been made in any of the courts of record at *Westminster*. Persons forging an entry of any memorial, liable to the punishments in the act of 5 Eliz. c. 24.

XVI. And be it further enacted by the authority aforesaid, That in case of mortgages, whereof memorials shall be entred in the said register office pursuant to this act, if at any time afterwards a certificate shall be brought to the said registers or masters, signed by the mortgagee or mortgagees in such mortgage, Perjury before a register, how to be punished. Upon certificate and proof made to the register, that money due on a mortgage entred in the

registry, has been satisfied, the register shall make an entry in the margin, against the inrolment, &c.

gage, his, her, or their executors, administrators, or assigns, and attested by two witnesses, whereby it shall appear that all monies due upon such mortgage have been paid or satisfied in discharge thereof, which witnesses shall upon their oaths before the said registers or masters, or before a master in *Chancery*, or ordinary or extraordinary (who are hereby respectively impowered to administer such oath) prove such monies to be satisfied or paid accordingly, and that they saw such certificate signed by the said mortgagee or mortgagees, his, her, or their executors, administrators, or assigns, that then, and in every such case, the said registers or masters shall make an entry in the margins of the said register books against the registry of the memorial of such mortgage, that such mortgage was satisfied and discharged according to such certificate, to which the same entry shall refer, and shall after file such certificate, to remain upon record in the said register office.

This act not to extend to copyhold estates, &c.

XVII. Provided always, and be it further enacted, That this act shall not extend to any copyhold estates, or to any leases at a rack rent, or to any lease not exceeding one and twenty years, where the actual possession and occupation goeth along with the lease, or to any of the chambers in *Serjeants Inn*, the inns of court, or inns of *Chancery*; any thing in this act contained to the contrary thereof in any wise notwithstanding.

After 29 Sept. 1709. no judgments, &c. (other than such as are entered into in the name of the Queen, &c.) shall bind hereditaments in Middlesex, but from the time a memorial thereof shall be entered, &c.

XVIII. And be it further enacted by the authority aforesaid, That no judgment, statute, or recognizance, (other than such as shall be entered into in the name, and upon the proper account of her Majesty, her heirs and successors) which shall be obtained or entered into after the said twenty ninth day of *September*, in the said year of our Lord one thousand seven hundred and nine, shall affect or bind any honors, manors, lands, tenements, or hereditaments, situate, lying, and being in the said county of *Middlesex*, but only from the time that a memorial of such judgment, statute, or recognizance shall be entered at the said register office, expressing and containing, in case of such judgment, the names of the plaintiffs, and the names, additions, and places of abode, (if any such be in such judgment) of the defendants, the sums thereby recovered, and the time of the signing thereof; and in case of statutes and recognizances, expressing and containing the date of such statute or recognizance, the names, additions, and places of abode of the cognizers and cognizees therein, and for what sums, and before whom the same were acknowledged; and that in order to the making an entry of such memorials of judgments, statutes, and recognizances, as aforesaid, the party and parties desiring the same, shall produce to, and leave with the said registers or masters, to be filed in the said publick or register office, a memorial of such judgment, statute, or recognizance, signed by the proper officer, or his deputy, who shall sign such judgment in the same office, or by the proper officer, in whose office such statute, or recognizance shall be inrolled, together with an affidavit sworn before one of the judges at *Westminster*, or a master in *Chancery*, that such

such memorial was duly signed by the officer whose name shall appear to be thereunto set; which memorial such respective officer is hereby required to give such plaintiff or plaintiffs, cognizor or cognizees, or his, her, or their executors, or administrators, or attorney, or any of them, he, she, or they paying for the same the sum of one shilling, and no more.

XIX. And be it further enacted, That the said register or master shall make an entry and likewise (if required) shall give a certificate in writing under his hand, testified by two credible witnesses, of every such memorial of any judgment, statute, or recognizance brought to him to be so registred, as aforesaid, and therein mention the certain day on which such memorial is so registred or entred, expressing also in what book, page, and number the same is entred.

The register to make an entry, and (if required) to give a certificate of such memorial, &c.

XX. And be it further enacted, That this act shall be taken and allowed in all courts within this kingdom as a publick act, and all judges, justices, and other persons therein concerned, are hereby required as such to take notice thereof, without special pleading the same.

Publick act.

XXI. And be it enacted by the authority aforesaid, That no member of parliament shall be capable of being register, or of executing by himself or any other person or persons, the said office, or to have, take, or receive any fee or other profit whatsoever issuing out of the said office, or for or in respect thereof; nor shall any such register, or his deputy, or any person or persons receiving profit out of the said office, be at any time hereafter capable of being, or being chosen, a member to serve in parliament.

No member of parliament capable to be register, &c. Nor any register to be a member of parliament.

25 Geo. 2. c. 4.

CAP. XXI.

An act for improving the union of the two kingdoms.

WHEREAS nothing can more conduce to the improving the union of the two kingdoms, which by her Majesty's great wisdom and goodness hath been happily effected, than that the laws of both parts of Great Britain should agree, as near as may be, especially those laws which relate to high treason, and the proceedings thereupon, as to the nature of the crime, the method of prosecution and trial, and also the forfeitures and punishments of that offence; which are of the greatest concern both to the crown, and to the subjects: to the end therefore that the said union may be more effectually improved, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of July, in the year of our Lord one thousand seven hundred and nine, such crimes and offences which are high treason or misprision of high treason within England, shall be construed, adjudged, and taken to be high treason and misprision of high treason within Scotland; and that from thenceforth no crimes or offences shall be high treason or misprision of high treason within Scotland, but those that are high treason or misprision of high treason in

21 Geo. 2. c. 19.

22 Geo. 2. c. 42.

After 1 July, 1709, high treason and misprision in England shall be so in Scotland, and no other.

And the Queen, &c. may grant commissions o' Oyer and

Terminer in Scotland under the seal of Great Britain, to hear and determine such treasons, &c.

England; and that from and after the said first day of *July*, in the said year of our Lord one thousand seven hundred and nine, the Queen's majesty, her heirs and successors, may issue out commissions of *Oyer* and *Terminer* in *Scotland*, under the seal of *Great Britain*, to such persons as her Majesty, her heirs and successors, shall think fit, and that three of the lords of the judiciary be in the said commission of *Oyer* and *Terminer*, whereof one to be of the *Quorum*, to enquire of, hear and determine such high treasons and misprision of high treason, in such manner as is used in *England*.

A justice general who had jurisdiction before this act, to be in the commission, and one of the *Quorum*.

II. Provided always, and be it enacted by the authority aforesaid, That where any commission of *Oyer* and *Terminer* shall issue, pursuant to this act, and is to be executed within any district where there is a justice general, or person having right of judiciary, who had jurisdiction in cases of high treason and misprision of high treason at the time of the making of this act, from and after the time that such right be made appear before the lords of session, and by them certified to the lord chancellor of *Great Britain*, such justice general, or such person having right of judiciary, or their respective deputy, shall be in the said commission, and one of the *Quorum*.

The justice court, &c. shall try treasons in Scotland by a jury.

III. And be it further enacted by the authority aforesaid, That from and after the said first day of *July*, one thousand seven hundred and nine, the justice court and other courts having power to judge in cases of high treason and misprision of high treason in *Scotland*, shall have full power and authority, and are hereby required, to enquire by the oaths of twelve or more good and lawful men of the county, shire, or stewartry where the respective courts shall sit, of all high treasons and misprisions of high treason committed within the said counties, shires, or stewartries, and thereupon to proceed, hear, and determine the said offences whereof any person shall be indicted before them, in such manner as the court of *Queen's Bench* or justices of *Oyer* and *Terminer* in *England* may do by the laws of *England*: and if any person be indicted of high treason or misprision of high treason before any justices of *Oyer* and *Terminer*, or in the circuit courts, or other courts having power to judge in cases of high treason or misprision of high treason in *Scotland*, then upon the request of the Queen's advocate general to the lord high chancellor or lord keeper of the great seal of *Great Britain* for the time being, the lord chancellor or lord keeper shall award her Majesty's writ of *Certiorari* under the said great seal, directed to the justices of *Oyer* and *Terminer*, or the justices of the circuit courts, and such other courts, thereby commanding them, or any of them, to certify such indictment into the justice court; which court shall have full power and authority, and is hereby required, to proceed upon, hear, and determine the same, as the court of *Queen's Bench* in *England* may do upon indictments removed or certified into the said court; and that from and after the said first day of *July*, in the said year of our Lord one thousand seven hundred and nine, all persons convicted or attainted of

Indictments of treason, &c. before justices of *Oyer*, &c. may be removed by *Certiorari* into the justice court,

and there tried as in *England*.

Persons attainted of treason in *Scotland*, to

of high treason or misprision of high treason in *Scotland*, shall be subject and liable to the same corruption of blood, pains, penalties, and forfeitures, as persons convicted or attainted of high treason or misprision of high treason in *England*.

be liable to the same penalties as in *England*.

IV. Provided always, That where any person now is, or shall be, before the said first day of *July*, seized of any messuages, lands, feignories, rents, tenements, or hereditaments in *Scotland*, of an estate tail, that is to say, an estate tailzie, affected with irritant and resolute, or prohibitive clauses, and is, or before the said first day of *July*, shall be married, if any issue of that marriage be living, or there be possibility of such issue at the time of the high treason committed, that then in such case the said messuages, lands, feignories, rents, tenements, and hereditaments, shall not be forfeited upon the attainder of such person for high treason, (but during the life of the person so attainted only) so that the issue and heirs in tail of such marriage shall inherit the same, the said attainder notwithstanding.

A person seized of an estate tail in *Scotland*, and married before the said first of *July*, shall forfeit his lands upon such attainder but for his life only, and his issue shall inherit.

V. And be it further enacted by the authority aforesaid, That all treasons and misprisions of treason, which from and after the said first day of *July* shall be done or committed by any native of *Scotland* upon the high sea, or in any place out of this realm of *Great Britain*, shall be enquired of, heard and determined before the said justice court, or before such commissioners of *Oyer and Terminer*, and in such shire, stewartry, or county of *Great Britain*, as shall be assigned by the Queen's commission, and by good and lawful men of the same shire, in like manner to all intents and purposes as if such treasons or misprisions of treason had been done or committed in the same shire where they shall be enquired of, heard, and determined, as aforesaid: and that from and after the said first day of *July*, in the said year of our Lord one thousand seven hundred and nine, no person accused of any capital offence, or other crime in *Scotland*, shall suffer, or be subject or liable to any torture: provided that this act shall not extend to take away that judgment which is given in *England* against persons indicted of felony, who shall refuse to plead, or decline trial.

Treasons committed by *Scotmen* upon the high sea, or out of *Great Britain*, shall be determined by the justice court, or before commissioners, &c.

No person in *Scotland* shall be liable to torture. This act not to take away judgment in *England*, where felons refuse to plead.

VI. Provided also, and be it further enacted by the authority aforesaid, That every person may be summoned and returned to be a jurymen in any such trials, as aforesaid, who shall at the time of such trial have and be seized in his own right, or in the right of his wife, of lands or tenements, of an estate of inheritance, or for his or her life, or for the life of some other person, within the county, stewartry, or place where any such trial shall be, or from whence the jury is to come, of the yearly value of forty shillings sterling at least; and for want thereof, or for any other lawful cause, shall be subject to be challenged and set aside.

Qualifications of a jurymen in *Scotland*.

VII. And whereas the crimes after-mentioned are by several acts of parliament in *Scotland* declared to be treason, and the committers thereof are appointed to be punished with the same pains and forfeitures as committers of treason, and that after the first day of *July* aforesaid,

No offences to be treason in *Scotland*, but what are so by the laws in *England*.

said, the foresaid act of parliament in Scotland will have no force nor effect, seeing no facts nor offences are to be deemed treason within Scotland after that time, but such as are so by the acts and statutes now in force in England; be it therefore by the authority aforesaid further enacted, That theft in landed men, murder under trust, wilful fire-raising, firing coalheughs, and affassination, which were declared to be treason by particular statutes in Scotland, shall after the aforesaid time be only adjudged and deemed to be capital offences, and the committers thereof shall be only liable to such pains and punishments as by the law of Scotland are to be inflicted upon the committers of capital crimes and offences, and the persons committers thereof are to be punished and tried in the same manner as by the laws of Scotland is provided in the cases of other capital crimes; any thing in this act to the contrary notwithstanding.

Slaying any lord of session, &c. high treason.

VIII. And be it also enacted by the authority aforesaid, That if any person shall, from and after the said first day of July, slay any of the lords of session, lords of justiciary, sitting in judgment in the exercise of their office within Scotland, that the doing thereof shall be construed, adjudged, and taken to be high treason.

Counterfeiting the great seal in Scotland high treason.

IX. And be it further enacted by the authority aforesaid, That from and after the said first day of July, if any person counterfeit her Majesty's seals appointed by the twenty fourth article of the union, to be kept, used, and continued in Scotland, that the doing thereof shall be construed and adjudged to be high treason.

After the decease of the pretender, and 3 years after the succession to the crown by the demise of the Queen shall take effect,
1 W. & M. sess. 2. c. 2.
12 W. 3. c. 2.
17 Geo. 3. c. 39.
no attainder for treason shall disinherit any heir; but he may enter after the death of such offender.

X. Provided always, and be it further enacted by the authority aforesaid, That after the decease of the person who pretended to be prince of Wales during the life of the late King James, and since pretends to be king of Great Britain, and at the end of the term of three years after the immediate succession to the crown, upon the demise of her present Majesty, shall take effect, as the same is and stands limited by an act made in the first year of the reign of their late majesties King William and Queen Mary, intituled, *An act for declaring the rights and liberties of the subject, and settling the succession of the crown*; and by one other act made in the twelfth year of the reign of his late majesty King William the Third, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, no attainder for treason shall extend to the disheriting of any heir, nor to the prejudice of the right or title of any person or persons, other than the right or title of the offender or offenders, during his, her, or their natural lives only; and that it shall and may be lawful to every person or persons to whom the right or interest of any lands, tenements, or hereditaments, after the death of any such offender or offenders, should or might have appertained, if no such attainder had been, to enter into the same.

XI. And be it further enacted by the authority aforesaid, That

That from and after the decease of the person who pretended to be prince of *Wales* during the life of the late King *James*, and since pretends to be King of *Great Britain*, and at the end of the term of three years after the immediate succession to the crown, upon the demise of her present Majesty, shall take effect, as the same is and stands limited by an act made in the first year of the reign of their late majesties King *William* and Queen *Mary*, intituled, *An act for declaring the rights and liberties of the subject, and settling the succession of the crown*, and by one other act made in the twelfth year of the reign of his late majesty King *William* the Third, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, when any person is indicted for high treason, or misprision of treason, a list of the witnesses that shall be produced on the trial, for proving the said indictment, and of the jury, mentioning the names, profession, and place of abode of the said witnesses and jurors, be also given at the same time that the copy of the indictment is delivered to the party indicted; and that copies of all indictments for the offences aforesaid, with such lists, shall be delivered to the party indicted, ten days before the trial, and in presence of two or more credible witnesses; any law or statute to the contrary notwithstanding.

1 Geo. 1. stat. 2. c. 48.

After the times last above limited, a copy of the indictment for treason, &c. shall be delivered to the party indicted, 10 days before the trial.

1 W. & M. sess. 2. c. 4.
12 W. 3. c. 2.

CAP. XXII.

An act for the Queen's most gracious, general, and free pardon.

ANNE R.

THE Queen's most excellent majesty calling to mind how many ways her loving and obedient subjects have, from time to time, expressed their dutiful affections towards her Majesty, and considering that divers of her said subjects may by sundry ways have fallen into the danger of very many penalties and forfeitures, ordained by the laws and statutes of this realm, from which they can in no wise be freed but by her Majesty's great goodness and clemency; and being graciously inclined to encourage and invite all her loving subjects to live and continue in their due obedience to her Majesty, rather by acts of grace and mercy, than by a severe execution of justice; and having an especial trust and confidence in her said subjects, that they will with more cheerfulness and affection apply themselves to the discharge of their respective duties towards her Majesty, and her government, when they shall be released and freed from the many pains, penalties, and forfeitures to which they are now liable, hath thought fit to grant her general and free pardon, in a large and more bountiful manner than hath heretofore been done: and therefore her Majesty is well pleased and contented that it be enacted by the authority of this present parliament; and be it enacted, &c.

C A P. XXIII.

An act for raising the militia for the year one thousand seven hundred and nine, although the month's pay formerly advanced, be not repaid.
E X P.

C A P. XXIV.

An act for continuing the former acts for the encouragement of the coinage, and to encourage the bringing foreign coins and British or foreign plate to be coined, and for making provision for the mints in Scotland, and for the prosecuting offences concerning the coin in England.

WHEREAS great benefit and advantage hath accrued to this kingdom by one act of parliament passed in the eighteenth year of the reign of his majesty King Charles the Second, intituled, An act for encouraging of coinage, and continued by another act made in the five and twentieth year of the reign of his said majesty King Charles, intituled, An act for continuing a former act concerning coinage; both which said acts were revived by an act made in the first year of the reign of his majesty King James the Second, and were continued by an act made in the fourth and fifth year of the reign of King William and Queen Mary, of blessed memory, and were further continued by an act made in the twelfth and thirteenth year of the reign of the late King William of glorious memory, to be in force for seven years, from the first day of June, one thousand seven hundred and one, and from thence to the end of the first session of parliament then next following; and no longer; so that unless the said acts be revived and continued, the encouragement given thereby will cease, and this kingdom be deprived for the future of so great a good as it hath for many years last past enjoyed: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do give and grant unto your Majesty the rates, duties, and impositions herein after mentioned, for and during the term and time herein after expressed; and do humbly pray that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such and the like rates, duties, and impositions, as by the said act of parliament of the eighteenth year of the reign of King Charles the Second were granted, and by the said subsequent acts were continued, for and upon the importation of wines, vinegar, cyder, beer, brandy, and strong waters imported, during the respective terms therein mentioned, shall be further continued, and be paid and payable to her Majesty, her heirs and successors, for and upon all wines, vinegar, cyder, beer, brandy, and strong waters, which shall be imported or brought into Great Britain, within or during the space of seven years, to commence from the first day of March, one thousand seven hundred and eight, and until the end of the first session of parliament,

18 Car. 2. c. 5.
continued by
25 Car. 2. c. 8.
and both re-
vived by 1 Jac.
2. c. 7.
continued by
4 & 5 W. &
M. c. 24. f. 3.
and further
continued by
12 & 13 W. 3.
c. 11.
Continued by
9 Geo. 1. c. 19.
f. 1. for 7
years from
the 1 March,
1723. farther
continued
from March,
1730. for 7
years by 4
Geo. 2. c. 12.
The rates,
duties, &c.
granted by
18 Car. 2. c. 5.
and continued
as above, upon
wines, vine-
gar, &c.
further conti-
nued to the
Queen, &c.
for 7 years, to
commence
1 March, 1708.
and till the
end of the first
session of par-
liament,

of parliament then next following, and no longer; and that the said act of the eighteenth year of the reign of King Charles the Second, and also one other act made in the five and twentieth year of the reign of his said majesty King Charles the Second, intituled, *An act for continuing a former act concerning coinage*; and one other act made in the fourth year of her now Majesty's reign, intituled, *An act to empower the lord high treasurer, or commissioners of the treasury, to issue out of the monies arising by the coinage duty, any sum not exceeding five hundred pounds, over and above the sum of three thousand pounds yearly, for the uses of the mint*; and every clause, article, and sentence in the said acts, or any of them contained, shall be, and are by virtue of this act, revived and continued, and shall be in force, and be extended to all wines, and such other liquors, as aforesaid, which shall be imported or brought into Great Britain, for and during all such term and time as are before-mentioned.

and the said act of 18 and 25 Car. 2. 8. and the act 4 Ann. c. 22. are revived and continued for the time before-mentioned.

II. And whereas the giving a further encouragement at this time to the coinage of silver money, may be an advantage to the publick, be it enacted by the authority aforesaid, That it shall and may be lawful to and for the lord high treasurer of Great Britain, or commissioners of the treasury for the time being, or any three or more of them, by his or their warrant or warrants, to authorize and require the master and worker of her Majesty's mint or mints for the time being, out of the office of receipt of the said mint or mints, according to the manner and course of the same, to issue or dispose of the overplus of the money that hath arisen or shall arise by the coinage duty, any sum or sums not exceeding six thousand pounds, for and towards the payment of any sum or sums not exceeding two pence halfpenny per ounce for every ounce of foreign coins, and foreign or British wrought plate, of the standard of eleven ounces two penny-weight fine, or reduced thereunto, as shall be brought into the said mint or mints from and after the twentieth day of April, one thousand seven hundred and nine, until the first day of December, one thousand seven hundred and nine then next following, and no longer, there to be coined into the current coins of Great Britain: any law, statute, or usage to the contrary notwithstanding.

The lord high treasurer, &c. may require the master of the mint to issue out of the overplus money arising by the coinage duty, 6000 l. for the payment of 2d. 06. per ounce, of foreign coin, plate, &c. brought into the mint, after 20 April, 1709. till 1 Dec. 1709.

III. Provided also, and it is hereby further enacted by the authority aforesaid, That over and above the sums not exceeding three thousand pounds per annum, and five hundred pounds per annum, mentioned in the said former acts, it shall and may be lawful to and for the lord treasurer of Great Britain, and under treasurer, or commissioners of the treasury, or any three or more of the said commissioners for the time being, by order or warrants, to issue out of the Exchequer, or dispose of the monies arising by the said coinage duties, yearly and every year, from and after the commencement, and during the continuance of this act, and no longer, such sum as he or they shall think necessary and reasonable, not exceeding in the whole the sum of twelve hundred pounds for the fees and salaries of the officers

Over and above the 3000 l. per annum, and the 500 l. per annum, mentioned in the former acts, the lord treasurer, &c. may issue out of the Exchequer any sum not exceeding 1200 l. per annum, for of

the salaries of the officers of the mint.

of the mint or mints in *Scotland*, and towards the providing, maintaining, and repairing the houses, offices, and buildings, and other necessaries for assaying, melting down, and coining in the mints of *Scotland*; any thing in the said before recited acts, or any other law, statute, or usage to the contrary notwithstanding.

IV. Provided always, and it is hereby enacted by the authority aforesaid, That (over and above the sums not exceeding three thousand pounds *per annum*, and five hundred pounds *per annum*, mentioned in the said former acts, for the uses of the mint) it shall and may be lawful to and for the lord high treasurer of *Great Britain*, and the under treasurer, or the commissioners of the treasury, for the time being, by orders or warrants, to issue out of the Exchequer, or dispose of the monies arising by the said coinage duty, yearly and every year, from and after the first day of *June*, one thousand seven hundred and nine, any sum or sums not exceeding the yearly sum of four hundred pounds, for the charges and expences of the officers, and others employed and to be employed in the prosecution of offences in counterfeiting, diminishing, or otherwise concerning the current coins of *Great Britain*, in that part thereof called *England*; and any officer or officers employed, as aforesaid, may have and receive the said sum not exceeding four hundred pounds, or any part thereof, without being liable to any forfeiture, disability, or incapacity whatsoever; the said recited acts, or any other law, statute, or usage to the contrary notwithstanding.

After 1 June, 1709, the lord treasurer, &c. may further issue, &c. 400 l. per annum, for the charges of officers, to be employed in prosecuting offences in counterfeiting, &c. the coin of Great Britain.

C A P. XXV.

An act for making perpetual an act for the better preventing the counterfeiting the current coin of this kingdom, as also an act for giving like remedy upon promissory notes as is used upon bills of exchange, and for the better payment of inland bills of exchange; and also for continuing several acts made in the fourth and fifth years of her Majesty's reign for preventing frauds committed by bankrupts.

WHEREAS the temporary laws following, which by experience have been found beneficial and useful, are expired, or near expiring; therefore for continuing the same, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the session of parliament held in the eighth year of the reign of his late majesty King *William* the Third, of glorious memory, intituled, *An act for the better preventing the counterfeiting the current coin of this kingdom*, which was to continue for one year, was by a clause in another act made in the ninth year of his said Majesty's reign, continued in

The act
8 W. 3. c. 26.

in force unto the five and twentieth day of *March*, one thousand seven hundred and one; which act was further continued by an act made in the first year of her present Majesty's reign, till the five and twentieth day of *March*, one thousand seven hundred and nine, and from thence to the end of the first session of parliament then next ensuing, shall be, and is hereby continued, and shall be in force, and is hereby made perpetual.

Continued by
9 W. 3. c. 2.

and further
continued by
1 Ann. stat. 1.
c. 9.
made perpetual.

II. *And whereas by an act made in the eighth year of his late Majesty's reign, intituled, An act for the better preventing the counterfeiting the current coin of this kingdom, it is ordained, That no prosecution shall be made for any offence against the said act, unless such prosecution be commenced within three months after such offence committed*; be it enacted by the authority aforesaid, That the prosecution of such person or persons as offend against the said act, by making or mending, or beginning or proceeding to make or mend any coining tool or instrument therein prohibited, or by marking of money round the edges with letters or grainings, may be commenced at any time within six months after such offence committed; any thing in the said act to the contrary in any wise notwithstanding.

8 Ann. c. 26.

The prosecution
of offences against
8 W. 3. c. 26.
may be commenced
in 6 months after
the offence.

III. And be it further enacted by the authority aforesaid, That an act made in the session of parliament held in the third and fourth years of her Majesty's reign, intituled, *An act for giving like remedy upon promissory notes as is used upon bills of exchange, and for the better payment of inland bills of exchange, which was to continue for the space of three years from the first day of May, one thousand seven hundred and five, and from thence to the end of the next session of parliament, shall be, and is hereby continued, and shall be in force, and is hereby made perpetual.*

The act 3 & 4
Ann. c. 9.
concerning
promissory
notes and
bills of exchange,
made
perpetual.

The statute 4 Annæ, c. 17. and 5 Annæ, c. 22. concerning bankrupts, continued from the 25th of April, 1709, for 5 years, and from thence to the end of the next session of parliament. E X P.

C A P. XXVI.

An act for appointing commissioners to treat and agree for such lands, tenements, and hereditaments as shall be judged proper to be purchased for the better fortifying Portsmouth, Chatham, and Harwich.

WHEREAS for the better securing her Majesty's docks, ships of war, and stores, 'tis highly necessary to enlarge and strengthen the fortifications at or near Portsmouth, Chatham, and Harwich; and in order thereunto, to purchase several lands, tenements, and hereditaments, some of which are or may be the estates of infants, femes covert, ecclesiastical corporations, or other persons who by law are disabled to make any contracts or conveyances; in all which cases, as likewise where any proprietors designing to obstruct the publick service, or to make any unreasonable gain to themselves,

insist on extravagant rates, 'twill be necessary to have recourse to the usual methods that have been taken in such like cases; be it therefore enacted, &c.

The Queen to appoint commissioners to survey, &c. the lands to be purchased. Any five of the commissioners appointed to treat and agree with the owners of the lands, &c. Persons refusing to treat, or incapable, the commissioners may issue warrants to the sheriff to impanel and return a jury, who shall enquire into the true value, &c. Farther provision for the land owners by 8 Annæ, c. 21. s. 1. and their verdict shall be certified into the chancery by the 23d of October, 1709. The commissioners not to be liable to the penalties in the act of 23 Car. 2. c. 2. nor 1 W. & M. sess. 1. c. 8. Nor 13 & 14 W. 3. c. 6. The commissioners not to be disqualified from sitting in the house of commons.

The End of the Eleventh VOLUME.



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